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PIERCE STATUE
DEDICATION

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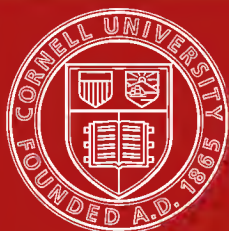
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Dedication of a statue of General Frankl



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GENERAL FRANKLIN PIERCE

At 57 years of age

DEDICATION
OF
A STATUE OF
GENERAL FRANKLIN PIERCE

FOURTEENTH PRESIDENT
OF THE
UNITED STATES

AT THE STATE HOUSE, CONCORD
NOVEMBER 25, 1914

ERECTED AND DEDICATED
BY THE
STATE OF NEW HAMPSHIRE

AP

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EDITED BY

HENRY HARRISON METCALF

STATE HISTORIAN

PUBLISHED BY THE STATE

1914





THE STATUE

INTRODUCTORY NOTE

HISTORY OF THE FRANKLIN PIERCE STATUE.

For many years past the great majority of the people of New Hampshire, who take pride in the honor of their state, and the character and achievements of its able and distinguished sons, have felt that some fitting expression of regard for the name and fame of FRANKLIN PIERCE, fourteenth President of the United States, and the only native of New Hampshire to occupy the exalted position of Chief Magistrate of the Republic, should be made, in enduring form, for the benefit of generations to come, in impressing upon their minds the fact that lasting public recognition of true merit and noble service is among the paramount duties of a free people.

On several occasions, within the last few years, attempts have been made to secure the passage of a measure by the General Court providing for the erection of a suitable statue, in the State House park, as a testimonial of the people of New Hampshire in honor of this distinguished citizen; but, through partisan bitterness, growing out of the Civil War, and the sectional and political controversies antecedent thereto and resulting therein, these attempts had failed, from factious opposition, though favored by the majority sentiment of the people's representatives, as well as by the people themselves.

Fortunately the legislature of 1913, nearly fifty years after the delivery of Lincoln's immortal second inaugural address, with its "Malice toward none" and "Charity for all," found within its membership none so imbued

with partisan rancor and prejudice as to offer substantial opposition to such a just and worthy measure, and the following joint resolution passed both branches with practical unanimity, and was approved by the governor:

JOINT RESOLUTION for the Erection of a Statue of Franklin Pierce.

Resolved, by the Senate and House of Representatives in General Court convened:

That the governor and council be hereby directed to cause a statue to Franklin Pierce to be erected in an appropriate place to be by them selected, in the state house yard, the material, design, workmanship and dedication to be left to the discretion of the governor and council; and that to meet the expense thereof the governor be authorized to draw his warrant upon the treasury for a sum not exceeding fifteen thousand dollars. Approved May 13, 1913.

At a meeting of the governor and council, July 11, 1913, an advisory committee, consisting of five representative citizens of the state, was appointed to act in conjunction with that body in the matter of the erection of the statue in question, as appears from the following copy of record:

EXECUTIVE COUNCIL CHAMBER,
CONCORD, July 11, 1913.

The Honorable Board met according to adjournment.
Present: His Excellency Samuel D. Felker, Governor, and Councilors Badger, Gilman, Noone, Sawyer, and McGregor.

The Governor with the advice of the Council made the following appointments:

Advisory Committee relative to the Franklin Pierce statue: Franklin Pierce Carpenter of Manchester, William E. Chandler of Concord, Clarence E. Carr of An-

dover, Edgar Aldrich of Littleton, David E. Murphy of Concord.

* * * * *

A true record:

EDWARD N. PEARSON,
Secretary of State.

A true copy of record:

EDWARD N. PEARSON,
Secretary of State.

On August 7, 1913, a joint meeting of the governor and council and advisory committee was held, Franklin P. Carpenter being elected chairman and Councilor William H. Sawyer, secretary. At this meeting it was voted that William E. Chandler, Edgar Aldrich and Franklin P. Carpenter be a committee to consider the style of the proposed statue; to secure models, bids and specifications, and to report at some future date.

At a meeting of the governor, council and committee, October 30, 1913, it was voted to invite Mr. Augustus Lukeman of New York to inspect the State House grounds and confer with the governor, council and committee with reference to plans for the statue, and that Mr. Carpenter be requested to inform Mr. Lukeman and to arrange the time for the conference, to which time the meeting was adjourned.

On November 7, 1913, the meeting was reconvened, the governor, all the councilors, and all members of the advisory committee, except Judge Aldrich, being in attendance, with Mr. Lukeman. A discussion of plans ensued, and a view of the grounds was taken, and it was finally voted to invite Mr. Lukeman to prepare and present to this body a model showing the general scheme of the proposed monument, as outlined by him, for its consideration.

The governor, council and committee met, with Mr.

Lukeman, December 31, in the Art room of the New Hampshire Historical Society for an examination of his design and model, after consideration of which they proceeded to the Council Chamber at the State House, where, in the absence of Mr. Carpenter, who was called away, Judge Aldrich was made temporary chairman and Mr. Carr secretary.

It was voted that the conception, the working model and plans of Mr. Augustus Lukeman of 145 West 55th Street, New York City, for the proposed Franklin Pierce statue be accepted at \$14,500, and that Franklin P. Carpenter, Clarence E. Carr and David E. Murphy be constituted a committee to draft proper contracts, the same being subject to the approval of the governor and council.

The contracts were promptly drawn, signed and approved, October 15, 1914, being fixed as the date for completion of the work. As time passed and the work progressed, the question of location commanded attention, some division of opinion arising regarding the same, but the matter was finally settled in accordance with the judgment of the sculptor, and in due season the work was in position.

The monument is built of granite and bronze, and stands on the south side of the Memorial Arch, on the State House grounds, fronting Main Street, on a line with the sidewalk.

The scheme of the monument is simplified Greek, and takes the form of an exedra thirty-five feet by twelve feet. The stylobit, or platform, is inlaid with yellow vitrified brick, and flanked on either end are classic stone seats, while on the corners are granite pedestals on which are tall bronze electroliers. The heroic bronze statue stands on a granite pedestal in the center and a little to the back on the exedra, the four sides of which are suitably inscribed, as follows:



AUGUSTUS LUKEMAN
Sculptor

On the east side, or front—

FRANKLIN PIERCE
FOURTEENTH
PRESIDENT
OF THE
UNITED STATES

On the north side—

BORN AT HILLSBOROUGH, NEW HAMPSHIRE,
NOVEMBER 23, 1804.

A LAWYER WHO LOVED HIS PROFESSION
AND WAS A GREAT LEADER IN IT

MEMBER NEW HAMPSHIRE LEGISLATURE
AT 25 AND SPEAKER AT 27

CONGRESSMAN AT 29

UNITED STATES SENATOR AT 32 AND
RESIGNED AT 37

LATER IN LIFE DECLINED THE OFFICE
OF ATTORNEY GENERAL OF THE UNITED
STATES, THAT OF SECRETARY OF WAR,
THE UNITED STATES SENATORSHIP AND
THE GOVERNORSHIP OF HIS STATE.

PRESIDENT OF THE NEW HAMPSHIRE
CONSTITUTIONAL CONVENTION

PRESIDENT OF THE UNITED STATES
DIED AT CONCORD, OCTOBER 8, 1869.

On the south side—

BRIGADIER GENERAL U. S. A.

PUEBLA

CONTRERAS

CHERUBUSCO

MOLINO DEL REY

CHAPULTEPEC

COMMISSIONER APPOINTED BY GENERAL
SCOTT TO ARRANGE AN ARMISTICE
WITH GENERAL SANTA ANNA

"HE WAS A GENTLEMAN AND A
MAN OF COURAGE."

ULYSSES S. GRANT.

On the west side, or rear—

ERECTED BY THE
STATE OF NEW HAMPSHIRE

1914.

The statue represents President Pierce standing in an easy position with his right hand resting on a conventionalized pedestal of fasces draped with the American flag, on which is also a manuscript with the seal of the state, while his left hand rests against his hip. The costume is of the Fifties, with its high neckstock and soft shirt-front, broadcloth frock-coat and square-toed boots, while over his shoulders is thrown a military cloak of the period.

The statue is cast in United States standard bronze, the alloy of which is 90 per cent. of copper and 10 per cent. of tin and zinc. The weight of the statue is 2,230 pounds. The granite pedestal is made of Concord granite, and the entire work, design, plan and scheme, including the modeling and execution of the statue and the designing of the electroliers is the work of the sculptor, Augustus Lukeman.

Circumstances delayed the formal dedication of the statue, which was finally arranged for November 25, with Hon. Clarence E. Carr as president of the day, Rev. George H. Reed, D.D., chaplain, and David E. Murphy, marshal. The program included an oration by Hon. Oliver E. Branch of Manchester, with addresses by President Carr, Mr. Carpenter, Governor Felker, Judge Aldrich, ex-Senator Chandler and William F. Whitcher of Woodsville, and music by Nevers' Third Regiment Band of Concord.

At eleven o'clock a.m., on the day set for the dedication, a procession was formed in front of the Eagle Hotel under the direction of the marshal, headed by the

band, the officers and speakers of the day, governor, council, committee and invited guests, and proceeded to the space in front of the statue for the unveiling.

After the ceremony of unveiling, it had been planned to introduce Mr. Augustus Lukeman, the sculptor, but, Mr. Lukeman being detained by illness, President Carr made fitting reference to the disappointment, and paid a brief tribute to him and his work. The company then proceeded to Representatives Hall, which, with the spacious gallery, was entirely filled, and the speaking program was fully carried out, the exercises having been enlivened with music by the band, opening with the overture, "Il Guaranay"—Gomes.



MISS SUSAN H. PIERCE

DEDICATORY EXERCISES.

MR. CARR, INTRODUCING MISS SUSAN H. PIERCE:

To grace this occasion and assist us in these ceremonies, we are fortunate to have with us kinsfolk of Franklin Pierce.

To Miss Susan H. Pierce, daughter of Hon. Kirk D. Pierce of the old town of Hillsborough and grandniece of President Pierce, fittingly is accorded the honor of unveiling this statue.

MR. CARR, REFERRING TO MR. LUKEMAN:

By love of art and through long years of labor is genius developed. With us we expected to have a distinguished sculptor who knows the cost and ungrudgingly has paid the price. He was a student of one of the best known of the world's sculptors, a son of New Hampshire, whose advice in this composition has been freely sought and gladly given.

In the love of his art, from the concept of his brain, and with the cunning of his hand he has wrought for us. We behold his story in bronze, and had he not been detained by illness we would have gladly have welcomed here to-day its author,—the artist and sculptor,—Augustus Lukeman of New York.

MR. CARR, CALLING UPON DOCTOR REED FOR THE
INVOCATION:

When the horror of the cataclysm across the sea broke upon us, men exclaimed, "Can this be possible among Christian nations?" "What of our boasted Christian religion?" "Is it a failure?"

In the brief period since, we have seen a million men destroyed, a principality crushed, an innocent people ruined. Unnumbered sorrows have been added to unmeasured woe.

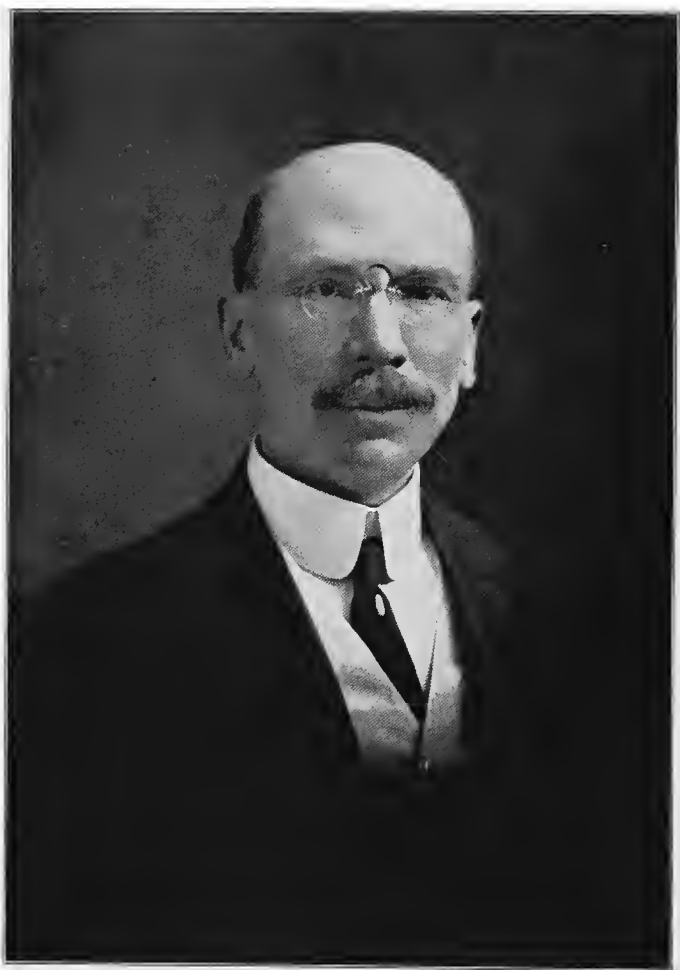
But, behold! In spite of all, with steadied judgment, new courage, and clearer vision, we begin to see and understand the abiding strength of the true spirit of the Christian religion.

All history and all experience teach us that however false a nation's interpretation of that spirit, however wrong its point of view, and however far astray it may go, there is no change in the judgments of the Lord or His purposes. They are true and righteous.

In the supreme moments to come the world will need much and expect much of American Christian citizenship.

It is fitting and proper then on this occasion, as on all public occasions, that, striving for the true spirit of the Christian religion, we seek Divine help to bring us in harmony with Divine purposes.

Let us join Doctor Reed in prayer.



REVEREND GEORGE H. REED, D. D.
Chaplain of the Day

PRAYER BY REV. GEORGE H. REED, D.D.

ALMIGHTY GOD, our heavenly Father, we who know not what to pray for as we ought, do now seek the guidance of Thy Spirit that we may see and perceive and understand and remember the significance of this hour.

May the monument that we dedicate this day keep us from forgetting the debt that we owe to those who have gone before us, and to those who shall come after us, and therefore to this generation, to ourselves and to Thee.

Hear Thou our prayer that as long as this statue shall stand in its strength and dignity, it may remind the young men of each rising generation that in the land which the Lord their God hath given them it is possible to pass from the common school and the humble home to the high places of power.

But from a generation of seekers after place, O Lord, defend us! May men ever esteem fitness for office more to be desired than election to office, and the privilege of serving the public the greatest honor the public can confer upon them.

We thank Thee for the gifted men whose vision and toil and sacrifice have made possible the freedom in which we rejoice this day. Continue unto us the mercies wherewith Thou hast blessed our fathers. Lead Thou our leaders. Grant unto the president of this republic and unto all governors, magistrates and judges the spirit of wisdom, of justice and of mercy.

Give unto all who make and interpret our laws reverence for Thy laws. Teach Thou our teachers, that the men and women of to-morrow may come forth from our schools and colleges with wise counsel and high resolve to serve their country and their God.

We pray for all those who mould public sentiment through the printed page, from the platform and in the pulpit, that they may plead with sanity and boldness for that which is right in Thy sight, seeking ever the approval of God rather than the praise of men.

Prosper all honorable industries and incline the hearts of all employers of labor to do unto men as they would that men should do to them.

Defend us all from every unhallowed ambition and grant that with breadth of vision, fairness of judgment and sincerity of heart we may finish the work and fulfil the hopes of those whom we hold in grateful remembrance.

And all that we ask for America we seek for every nation on earth. Especially do we pray with one heart and with one voice for the nations now at war. We thank Thee for the men in every army who believe that their cause is just, and that they serve the living God.

O Thou whose ways are higher than our ways and thoughts are higher than our thoughts as the heavens are above the earth, give Thou the victory to those who shall use it best. Turn all men from the fierceness of their anger and the folly of their strife unto the service of Him who was lowly in heart, who made himself of no reputation and who was willing to live and to die for men, unto whom Thou hast given the name that is above every name.

In His name we seek these unmerited blessings, the forgiveness of our sins and the power to serve Thee better. *Amen.*

MR. CARR'S ADDRESS.

YOUR Excellency, the Honorable Council, Members of the Franklin Pierce Statue Commission, Ladies and Gentlemen:

By Chapter 258 of the Session Laws of 1913, the General Court of New Hampshire adopted the following joint resolution:

That the governor and council be hereby directed to cause a statue to Franklin Pierce to be erected in an appropriate place, to be by them selected, in the state house yard, the material, design, workmanship and dedication to be left to the discretion of the governor and council; and that to meet the expense thereof the governor be authorized to draw his warrant upon the treasury for a sum not exceeding fifteen thousand dollars.

This is the authority for our action.

The Governor and Council invited to join them as an advisory commission to carry out the will and intent of the General Court, Franklin Pierce Carpenter, William E. Chandler, Edgar Aldrich, David E. Murphy and Clarence E. Carr.

A full account of the work of the united bodies will be a part of the public records.

Franklin Pierce was born in Hillsborough, New Hampshire, November 23, 1804. He was educated in academies at Hancock, Francestown, and Exeter, and at Bowdoin College. Among his classmates were Senator John P. Hale, Professor Stowe, that wonderful orator Sergeant S. Prentiss, the poet Longfellow and the novelist Hawthorne. Studying law with Levi Woodbury, and at the law school at Northampton, Massachusetts, and with Judge Edmund Parker, he was admitted to the bar in 1827. He was elected a member of our legislature in

1829, served there four years, the last two as speaker, was sent to Congress in 1833, and remained there till his election to the United States Senate in 1837. Owing to ill health he resigned his seat in 1842, and returned to New Hampshire and to his law practice. In 1839, he removed to Concord where he ever after made his home. In 1845, he declined an appointment to a vacancy in the United States Senate, the nomination as governor of New Hampshire, and an appointment to the office of attorney-general of the United States. In 1846, at the opening of war with Mexico, he enlisted as a private, was appointed colonel, and March 3, 1847 was commissioned brigadier-general in the volunteer army. He was commended for conspicuous bravery. He resigned his commission at the close of the war, and in March, 1848, returned home, and by the General Court of this state was voted a sword in honor of his services. He was a member, and president, of our Constitutional Convention held in 1850. In January, 1852, the New Hampshire Democratic State Convention, against his protest, declared for him as its candidate for the Presidency; he was nominated in the Baltimore convention in June of the same year, and elected by a large majority in the November following.

He died in Concord, October 8, 1869.

Such is the bare and naked outline of a remarkable career.

History has measured his work and estimated his worth.

Courtly, brave and chivalrous, he was loved as few men have been loved in New Hampshire, and honored beyond any other of her sons.

Not alone was Franklin Pierce the only New Hampshire President, but he was the last president furnished by one of the smaller states, unless we reckon New



CLARENCE E. CARR
President of the Day

Jersey as a smaller state. He came near the close of a definite period of our history which was ended by the Civil War; which, in turn, accustomed the nation to the massing of great bodies of troops or voters. That is, the regiment, so to speak, ceased to figure in political strategy, and we thought and dealt in divisions and corps; in other words, with larger bodies of men and larger and more pivotal states. Have we worked through another period? Are we coming to a third? Is the division of state lines to be more and more ignored as we seek The Man?

Is there to grow out of the present world-wide upheaval a wider and better nationality with fading border lines based on the fatherhood of God and the brotherhood of Man? May the sons and daughters of New Hampshire, be wise and fit. Our noblest and highest duty is to become good, upright, efficient and patriotic American citizens.

It has been said that one of the crowning glories of the life of Stephen A. Douglas was when, in March, 1861, he stood by his great rival and held the hat of the afterwards martyred President during the delivery of that memorable inaugural, and thenceforth devoted the great powers of his intellect and the patriotism of his soul to the cause of the Union.

We, too, might say that one of the crowning glories of Franklin Pierce's career, illustrating his chivalry and foresight, was when in the storm that followed Webster's seventh of March speech, he understood and defended the physically enfeebled statesman from the bitter and senseless attacks of an angry and misunderstanding people. Subsequent events vindicated Webster's vision and patriotism and honored Franklin Pierce for his understanding and his chivalry.

It is fitting that we place his statue under the shadow

of our capitol, there to stand as long as the state stands, with Stark and Hale and Webster:—Stark who, with his New Hampshire men, struck the blow at Bunker Hill that gave heart and hope to a cause, and the blow at Bennington that made possible one of the decisive battles of the world, gave us a nation and sent a British king back across the sea; Hale who struggled for the freedom of a race; and Webster whose mighty vision made possible that broader field of opportunity and that greater liberty which blesses our people and will eventually bless all the races of men.

Proud of Franklin Pierce as a citizen, honoring him with every office in her gift, loving him for the sweetness of his ways, glorying in the exalted station to which he was called by the voice of the people, New Hampshire honors him again with this statue to his memory. It is no light thing to be thus honored by a state that, though it measures so little in square miles of territory, yet weighs so much and has meant so much in the moulding and upbuilding of a nation.

The tributes paid him, and to be paid him, by strong and sterling men opposed to the party and theories of government for which he stood, attest his patriotism, the integrity of his purposes and the charm of his personality.

MR. CARR, INTRODUCING MR. CARPENTER:

Among the many citizens of New Hampshire who love her,—and we all love her,—and who have been constant in their devotion to her interests and the extension of her enterprises, is the chairman of the committee called in consultation by the governor and council on the Franklin Pierce statue. His name is an earnest of things



FRANK P. CARPENTER

done. He has given time and whole-hearted devotion to this cause, and the statue is properly in his hands for disposition.

It is my pleasure to present the chairman of the Pierce Statue Commission, Honorable Frank P. Carpenter of Manchester.

MR. CARPENTER'S ADDRESS.

WE ARE met to-day to pay our tardy tribute to one of New Hampshire's noblest sons, a soldier and a statesman—to that one who, alone of all the great men born in the Granite State, received the highest honor and bore the heaviest responsibility to which American citizenship is liable. We honor him to whom was given the task of guiding the destinies of the nation when vast forces were working for the ultimate good, but which, during his leadership, had failed to take form and direction. He assumed office on the eve of that great conflict which was to wipe out human bondage. He was called to administer the nation's affairs when the southern half of our people were convinced the North was intent upon dominating in violation of constitutional rights, and the northern half was equally sure the South proposed indefinite expansion of the institution of human slavery.

It has required years with their healing touch to soften the animosities of his time, to wipe out that fierce bitterness which enveloped all who were then prominent in national affairs. To-day we hail this son of New Hampshire as one who worked faithfully in performing the duties of his high office, and we seek to perpetuate the memory of him who did not fear to stand for the right, as he saw it, and stand unflinchingly.

It was given me as a youth to know him personally. My father was his friend, supporter and admirer. It

has been one of the chief joys of my service on this commission that I could do my part in honoring his memory.

It is therefore with keenest pleasure, on behalf of the commission of which I have the honor to be chairman, to present to you, and through you, to the state, whose generosity has made it possible, this splendid statue of Franklin Pierce, fourteenth president of the United States.

This bronze, heroic in size, is the work of one of America's foremost sculptors, Augustus Lukeman of New York City.

It gives us in enduring form a reminder of a life which saw its beginning amid the Granite hills of New Hampshire, but which comprehended in its influence and achievements our whole broad land. May it always be an inspiration to unselfish patriotism and lofty ideals of public service.

MR. CARR, INTRODUCING HIS EXCELLENCY, GOVERNOR
FELKER:

The dedication of this statue to-day marks but one of many noteworthy achievements in New Hampshire in the last two years.

The real legislative accomplishments, the efficiency in business conduct of affairs of state, and the sagacity and economy of this administration will compensate our chief executive for the care he has given it and the task he has performed.

No governor within my knowledge,—and the comparison is not invidious,—has conducted the business of this state with greater economy, efficiency and success, or with a more faithful and patriotic devotion to his duty and her interests, than his Excellency, Governor Felker.



HONORABLE SAMUEL D. FELKER
Governor

GOVERNOR FELKER'S ADDRESS.

MR. CHAIRMAN, Ladies and Gentlemen:

Mr. Blaine says in his "Twenty Years of Congress," "for forty years previous to the war, the North and South were growing apart, with different aims, with different interests, and looking toward different destinations." This was largely due to that section of the Constitution which provides that "no person held to service or labor in one state under the laws thereof, escaping into another, shall in consequence of any law or provision thereof, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

The framers of the Constitution were sorely tried, with reference to the question of slavery, and were naturally opposed to it, but in order to have the Constitution adopted by the states of the Union they were obliged to acquiesce in the above section.

The great leaders before the Civil War looked upon the Federal Constitution as a series of compromises among conflicting interests, and they really believed the Union at times to be in danger, and always met it by a spirit of compromise, especially with reference to slavery, as in the case of the Missouri compromise of 1820, when the Louisiana purchase became available for states; and that of 1850 when the war with Mexico had given us a large amount of territory.

"Our whole history," said Rufus Choate in 1841, "is but a history of compromises." But as the country gradually became a nation, and ceased to be a confederacy, it could not be a nation of freemen and a nation of slaves, half free and half slave.

The South reasoned that if slavery was excluded from the territories they themselves were virtually excluded

from living in any of them with their families as then constituted. That there was danger to the Union the Civil War sufficiently proved. When it did occur, the North had increased in population much more than the South, its means of transportation greatly increased, and four states of the South remained with the North,—and still such was the belief of the South in their right to withdraw from the Union and their determination to do so that it took one of the greatest wars of modern times to prevent such withdrawal.

With the abolishment of the Missouri compromise, the pent up forces of the North which had been gathering from the beginning were set free. On the Fourth of July, 1854, Garrison burned the Constitution of the United States, saying that "the Union must be dissolved." "We confess," said Wendell Phillips, "that we intend to trample under foot the Constitution of this country." "Slavery is a covenant with hell," "the flag is a flaunting lie," were other expressions of the period. Even Wendell Phillips, the orator of the abolitionists, described Lincoln after his election to the Presidency as "the slave hound of Illinois."

That there is, indeed, a higher law than mere statute law; a higher law than any decision of the court; a higher law than any written constitution, has not always been recognized. That law is the law of public opinion, especially strong when the demand is backed up by the universal conscience of mankind. And that higher law of public opinion eventually overthrew constitutional provisions, and led to the Civil War, and to a practical revolution in the thought which had been dominant from the beginning of our government.

The compromise measure of 1850 was adopted by the platforms of both the Democratic and Whig parties in the year 1852.

When the Democratic convention met in June, 1852, the leading candidates for the nomination were James Buchanan, Stephen A. Douglas, Lewis Cass, and William L. Marcy, all men of national reputation, but no one of them was able to secure enough votes to obtain the nomination, and on the forty-ninth ballot General Pierce of New Hampshire, who had not been a candidate, was nominated. He was a man of rugged ancestry, the son of General Benjamin Pierce, who, at the age of seventeen left the plow to enlist in the army of the Revolution in 1775 and who stayed in that war until its finish in 1783—eight years; who was afterward connected with the militia of New Hampshire until he was raised to the command of the same; ten times elected councilor of the state; three times high sheriff, and twice governor of the state; a leader of thought and of men, who had taken up his abode in the town of Hillsborough, and from poverty had risen to the rank of the most independent and intelligent farmers in that town. General Benjamin Pierce died in 1839, having participated in the war of the Revolution, and having entered into and been a leader in connection with the adoption of the Constitution of the United States. Of such a father was Franklin Pierce, born on November 23, 1804. Oft and repeatedly he had been told of the deprivations of the Revolution, and of the baptism of fire and blood, and learned at his father's knee patriotism and a love of the government under which he lived. His father had intense political convictions and was a follower of Jefferson and Jackson.

After finishing his course at Bowdoin College, in 1824, he read law with Judge Levi Woodbury of Portsmouth, and Judge Edmund Parker of Amherst, and was admitted to the bar in 1827 and commenced practice in his native town. His first case was somewhat of a failure and to a

friend he said: "I will try nine hundred and ninety-nine cases if clients will continue to trust me, and if I fail as I have to-day, I will try the thousandth. I shall live to argue cases in this court room in a manner which will mortify neither myself nor my friends," which certainly proved true, for he was considered one of the best jury lawyers of the state.

At the age of twenty-five he was elected to the New Hampshire legislature and was three times re-elected, serving the last two terms as speaker. In 1833 he was elected to the lower house of Congress where he remained four years, and then entered the United States Senate, the youngest member of that body. He was there associated with Webster, Calhoun and Clay, and other great leaders of the times.

In 1842 he resigned his seat in the Senate and returned to the practice of law in Concord, New Hampshire. In 1845 he was tendered the appointment as United States Senator but declined; he also declined the nomination for governor, and in 1845 President Polk offered him the United States attorney-generalship, which he also declined. He was certainly not an office seeker, and few men, in the prime of their lives, would have given up a seat in the United States Senate for the practice of law.

When the war broke out with Mexico he enlisted as a private in a volunteer company at Concord, and was soon appointed colonel of the Ninth regiment of infantry. In March, 1847, President Polk appointed him brigadier-general in the volunteer army and in the same month he set sail for Vera Cruz, and was with General Scott when he entered the City of Mexico, and was one of the commission to agree on an armistice. On the return of peace in December of the same year he returned to Concord and once again entered into the practice of his profession.

In 1850 he was president of the Constitutional Convention, and made a strenuous and successful effort to eliminate the religious test from the state constitution.

In the campaign which followed General Pierce's nomination as President he was triumphantly elected over General Scott, the Whig candidate, receiving two hundred fifty-four electoral votes to his opponent's forty-two. He was then forty-seven years of age. His personal appearance was dignified, if not imposing, although he was but five feet and nine inches in height, slenderly built, without that depth of chest or breadth of shoulders which indicates a vigorous constitution; his complexion was pale, and his features were thin and care-worn, yet his deportment was graceful and authoritative; he was capable of enduring great physical fatigue.

His inaugural was a plain, straightforward document, national in tone, and stirred the hearts of the vast audience which heard it, like the clarion notes of a trumpet.

"It is my judgment," said Harry Bingham, "that I have never known a more clear headed man than Franklin Pierce, or one who surpassed him in patriotic devotion to his country and to his whole country, or one who had stronger convictions of the paramount value of the American Union, and that to maintain it, the rights of all sections as guaranteed by the Constitution must be respected. No man surpassed him in qualities of the heart, and the consequent amicability of manner and general courtesy with which he always met his fellow-citizens caused him to be universally beloved and respected." No one President ever won the affections of the people of Washington so completely as did General Pierce. The President's fascinating courtesy and kindness were irresistible. So lasting was this feeling among all classes that twenty years later, our Congressman, Hon. Hosea

W. Parker, says: these traits were often spoken of at the Capital.

President Pierce appointed one of the strongest cabinets of any President in the history of the United States, with Marcy of New York as secretary of state, and Caleb Cushing, attorney-general, and one which remained with him to the end of his term.

He entered upon his term of office with the firm conviction that the compromises of the Constitution must be fairly met in order to maintain and preserve the Union, and with this knowledge the country elected him by an overwhelming majority. Buchanan said: "I know you to be a States Rights Democrat of the old Jeffersonian school."

During his term the boundaries of the United States were extended by treaty with Mexico and included what is now a part of New Mexico and Arizona; a commercial treaty was made with Great Britain, the fishery rights settled, Japan was opened to civilization by Commodore Perry, the United States Court of Claims was established, and in every department the government was honestly and efficiently administered, and everyone admits that aside from the slavery question President Pierce met the expectations of the country.

"But for slavery," said Senator Bainbridge Wadleigh, "and the questions growing out of it, his administration would have passed into history as one of the most successful in our national life."

John Sherman, who was a member of the House of Representatives in President Pierce's administration, and was appointed upon a committee to investigate affairs in Kansas, in his biography says: "Political opponents were enemies at that time, who did not always do each other justice"; that since that time he had changed his opinions of many of the prominent men of that day and especially of President Pierce. "That he was a genial,

social and agreeable companion is affirmed by all who were familiar with him. That his opinions were honestly entertained and firmly supported is shown by his adherence to them without a change or shadow of turning. In this respect he compares favorably with many leading men of his party. He had been a general of distinction in the Mexican War and a member of both the Senate and House of Representatives. He was a leading lawyer in his state. His messages to Congress, considered from a literary view, were able state papers, clearly and strongly expressed. It was his great misfortune to have to deal with a controversy that he did not commence but he did not shrink from the responsibility."

Mr. Chairman of the Pierce Statue Committee, I accept this statue from your hands, erected by the people of the state of New Hampshire to one of its most distinguished sons, who was always "a gentleman and a man of courage," who believed that constitutional guaranties should be lived up to, and to whose worth the state of New Hampshire has erected this statue, and of whom in 1863 during the time of our Civil War when most men's motives were impugned, Hawthorne, that man of such fine honor that he called forth the truest attachments and noblest friendships, said:

"Only this let me say, that with the record of your life in my memory and with a sense of your character in my deeper consciousness as among the few things that time has left as it found them, I need no assurance that you continue faithful to that grand idea of an irrevocable nation which as you once told me was the earliest that your brave father taught you. For other men there may be a choice of paths—for you, but one; and it rests among my certainties that no man's loyalty is more steadfast, no man's hope or apprehensions on behalf of our national existence more deeply heartfelt or more closely intertwined with his possibilities of personal happiness than those of Franklin Pierce."

MR. CARR, INTRODUCING JUDGE ALDRICH:

His own people, here in New Hampshire, perhaps best knew Franklin Pierce, not as a general, a congressman, a United States senator, or as president even, but in the active practice of his profession as a lawyer. He knew thousands of men by name, and charmed all by the ease and democracy of his manner and speech, and his large-heartedness. In this field, in his time, as a trial lawyer, he was supreme.

It is fitting and gracious that an eminent judge of the United States Court, a lawyer all his life, should have aided much with counsel and advice in the erection of this statue of Franklin Pierce.

We may be assured that he will hold the balance with an even hand, and aim to make his estimate as able, fair and just, as are his own decisions. That is what Franklin Pierce would ask.

I present Hon. Edgar Aldrich.

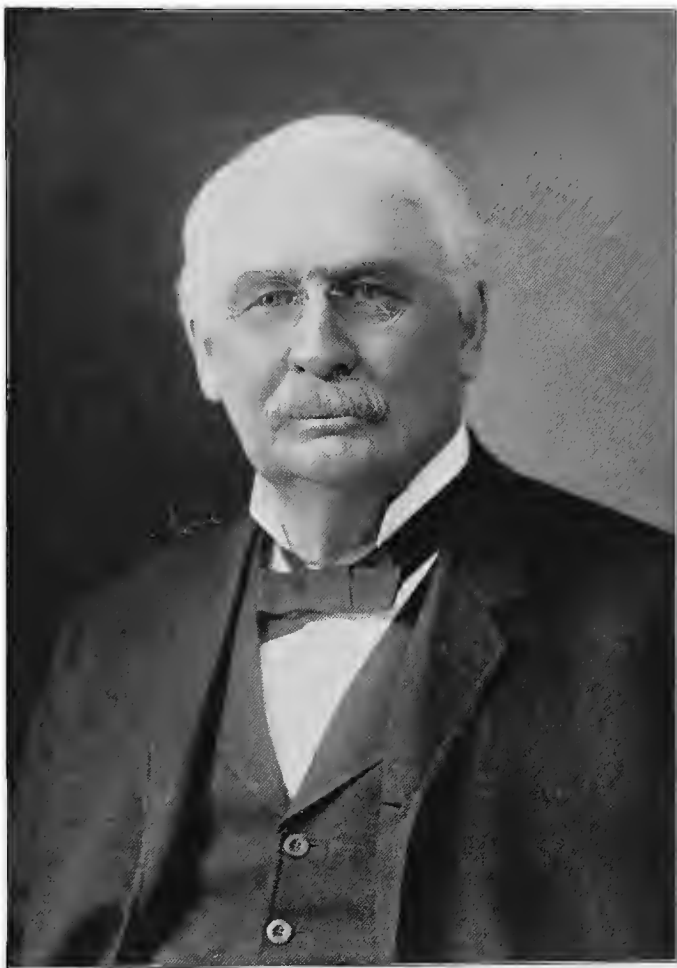
JUDGE ALDRICH'S ADDRESS.

FRANKLIN PIERCE was a New Hampshire man, and he achieved the Presidency.

While official responsibilities came to him early in life, it soon developed that there was in his nature a rare quality which made him shrink from them rather than seek them.

The first paragraph of his inaugural address reflects the charm of his sentiment in respect to private life and official station. These were his words:

"It is a relief to feel that no heart but my own can know the personal regret and bitter sorrow over which I have been borne to a position so suitable for others rather than desirable for myself."



HONORABLE EDGAR ALDRICH

The way official responsibility came to him and the way he laid it aside, to the end that he might pursue the peaceful callings of his profession in his beloved state and among neighbors whom he cherished, abundantly demonstrate that he valued private and peaceful pursuits above the glory of official position.

Mr. Blaine, in describing Franklin Pierce, says that he presented a rare combination of the qualities which attach friends and win popular support; that he was remarkably attractive in personal appearance, prepossessing in manner, ready and even eloquent as a public speaker, fluent and graceful in conversation, and when still a young man that he was preferred to all the other prominent statesmen of his party as a Presidential candidate.

Franklin Pierce was descended from a patriotic and worthy ancestry, an ancestry which followed the lead of Washington and sturdily helped in the work which created the Union and established the greatest among the governments of the world.

Franklin Pierce was the product of New Hampshire soil. The blood which gave force and energy to his chivalrous life was the blood of New Hampshire, and his qualities were such that they attained for him the chief magistracy of the nation, and it is highly appropriate that New Hampshire should erect a suitable memorial to his great achievements and his picturesque life.

Franklin Pierce's life covered prominent relations with the state government, the period of the Mexican War, the period of the great and much discussed compromises, a term as President of the United States, the years of the momentous slavery discussions, the days in which occurred the shock of arms which disturbed the foundations of the government itself, and his status in history is such as not only to justify but to

demand permanent and suitable recognition by his native state.

This statue is not erected to Franklin Pierce because all agreed in the political views which he held upon the great questions of the period to which he belonged. It is erected to the memory of a New Hampshire man of high and notable accomplishments. Therefore it is not necessary to indulge in arguments in respect to his attitude toward the highly irritating public questions of his time other than to say that it must be conceded and that it ought to be conceded, that conditions in the years preceding the Civil War were such that patriotic men might honestly differ as to the surest way to save the Union. We who held the one opinion as to how the Union could be saved and slavery abolished yield nothing in patriotism or honor by conceding this. It would be uncandid to say that arguments were not then in the balance, or that forces were not then in the balance. The sentiment of the North was so divided that even those who held the view which ultimately triumphed through force of arms were in doubt as to what ought to be done, and as to what could be done to save the Union.

Many forms of compromise and concession were suggested.

In illustration of the doubt and the uncertainty existing in that period, it is only necessary to refer to the incident of the Conciliatory Committee of Thirty-three, created by the National House of Representatives in the winter of 1860-61, when dark clouds were resting heavily upon a distracted nation.

In extreme anxiety to conciliate the South, to save the Union and to avoid war, Charles Francis Adams, of Massachusetts, proposed that the Constitution be so amended that no subsequent amendment "having for

its object any interference with slavery shall originate with any state that does not recognize that relation within its own limits, or shall be valid without the assent of every one of the states composing the Union."

This measure was more extreme and far-reaching than any ever suggested by a southern man, and, as will readily be appreciated, would have made the institution of slavery constitutionally perpetual. This committee of thirty-three was composed of prominent men from the North and South, and Mr. Adams' proposition was reported by a large majority, only two joining in a minority report with a proposed substitute. It is said that the proposed substitute was drawn by Daniel Clark, then a senator from New Hampshire. The house minority report was signed only by Cadwallader C. Washburn of Wisconsin and Mason W. Tappan of New Hampshire. Thus we see how dangerously near we came in that day of emergency, in order that the Union might be saved and war averted, to a unanimous proposition which would have perpetuated slavery.

When reflecting upon results which might have followed a unanimous report, it is well for us to note that two of the three dissentients were New Hampshire men.

When the measure proposed by Mr. Adams came up for discussion in the House of Congress, Mr. Corwin of Ohio moved a substitute, which changed its substance very little, and this measure, which was numbered the thirteenth amendment to the Federal Constitution, and one which Mr. Blaine declares would have made slavery perpetual in the United States, so far as any influence or power of the National Government could affect it, was adopted by a vote of 133 to 65. Among those who supported the resolution in the National House, as one best calculated to save the Union, were John Sherman of

Ohio, Charles Francis Adams of Massachusetts, Howard of Michigan, Windom of Minnesota, and Morehead and McPherson of Pennsylvania. The proposition was adopted in the Senate by a vote of 24 to 12. Among those voting in the affirmative were Anthony of Rhode Island, Baker of Oregon, Dixon and Foster of Connecticut, Grimes and Harlan of Iowa, Morrill of Maine, and Ten Eyck of New Jersey;—Seward of New York, Fessenden of Maine, and Collamer of Vermont not voting.

Before action could be had in the states, developments were such as to render efforts in the direction of reconciliation fruitless, and the idea of a vigorous prosecution of a war for the preservation of the Union became dominant and controlling.

This historical incident is not referred to for the purpose of commending, or excusing, particular men or measures, but as illustrating the thought, now universally recognized, that the questions at issue in the United States, preceding the Civil War, were of such a character that men of strength and patriotism might honestly disagree.

We must not be too swift in becoming the dictators or the arbiters of the thoughts and the principles of others. We ought and must accord to them the right to hold their own responsibilities and to be the keepers of their own consciences in respect to their duties to their country and to their God.

It is not a law of human nature that strong men, however honest, shall always agree about the best way of establishing and maintaining a beneficent and lasting government. Indeed, men are so prone to disagreements that even the fundamental propositions for creating this government of ours were only saved from wreck by the weight of a hair thrown into the Constitutional Con-

vention in the spirit of conciliation and delicate diplomacy.

It is to do honor to a New Hampshire man that we erect this statue. While we of the one way of thinking might well differ with some of the leading thoughts and expressions of Franklin Pierce, during the crisis which was to determine whether the nation should longer exist or perish from the earth, we do not doubt his patriotism or his loyalty, and we question not the honesty of his convictions.

The chief consideration which led me to take part in these exercises was to put in enduring form the sturdy expressions of a great New Hampshire man, who served his country in Congress during the winters, and in the field as a general during the summer campaigns of the Civil War. I refer to General Gilman Marston. In a conversation while walking from the dedication of the Webster statue in front of the State House, he abruptly stopped near the very spot where the statue stands to-day unveiled and said to me, "There is one more thing that New Hampshire ought to do. New Hampshire ought to erect a statue to Franklin Pierce, her only President. It should not be done by private contribution. It should be done under state authority. I knew Franklin Pierce well. He was a great lawyer, and a gentleman of rare accomplishments. He was the prince of good fellowship and a man of undoubted patriotism. Beyond all question he honestly believed that the Union would be destroyed if we went to war about it; and I believed that it would be destroyed if we didn't go to war about it. He was as honest and sincere in his convictions as I was in mine, and I want to say to you, right here, that if the South had had a little more money and a few more men, Franklin Pierce would have been right and I should have been wrong."

In that crucial period when men differed, Franklin Pierce may have misjudged as to the surest way of saving the Union, but it must be true that Hawthorne, who understood the depths of his generous and graceful manhood better perhaps than any other, in explaining to General Pierce the conviction which led him to dedicate the "Old Home" notes as a tender and lasting monument to his memory, and using the words just quoted by His Excellency, Governor Felker, so expressive of confidence and affection, touched the real soul of the man he knew.

The idea of a memorial does not rest upon partisan grounds, or upon partisan accomplishments, or, indeed, upon the abstract question of one's being always exactly right upon all of the questions of his day. England puts into her library of the House of Lords a bust of Cromwell, not because he was always politically right according to English standards, but because he was a great Englishman and a man of notable achievements.

It is not appropriate on this occasion to discuss the great question as to which was the best way to save the Union. The war came. It involved a strife among brothers of one country, and we must at this late day accord to each and all the honor of having struggled for what, to them, seemed to be the right. The Union was preserved; national authority was permanently established; and we are under one flag, respected at home, and everywhere throughout the earth; and it is a happy fruition that all, now, agree that the preservation of the Union was necessary, to the end that we should become a great nation, and, above all, that it was best for the men of the South, as well as for the men of the North.

MR. CARR, INTRODUCING EX-SENATOR CHANDLER:

Virile from crown of head to sole of foot; virile from birth to the present live waking moment, the next speaker, as you will all agree, is in spirit and fertility the youngest man in the party. Big enough correctly to estimate a political adversary, large hearted enough ever to have in mind the Master's mandate as to his enemies and friends, he loves us all, even though he sometimes flays us.

In season and out of season, facing the anger and opposition and criticism of his political associates, he long ago determined the state should do justice to the memory of Franklin Pierce.

By his work mainly has been restored the birthplace of Daniel Webster. His persistence has largely contributed to the memorial we finish to-day. And these are but two of the things, perhaps among the least of his accomplishments, for which New Hampshire will honor and love him.

He has seen more and will tell us more of the motives and personality of President Pierce than we know.

We welcome to-day, this distinguished son of New Hampshire, who has represented her ably and always actively in so many fields, whose ability we all admire; whose fame is nation wide, and whose patriotism none may question—

The Honorable William E. Chandler.

ADDRESS BY EX-SENATOR CHANDLER.

IT WOULD be impossible for me on this occasion—the dedication of a statue in the State House yard at Concord of President Franklin Pierce—to deal critically with his character and career, or to fail to speak of him in words of deep tenderness, for the simple reason that to me as a boy he was kind and helpful and drew me to his heart with irresistible affection. He was a friend of my father and during the presidential campaign of 1852 when I was seventeen years old, he came to my bedside in my home on Centre Street in Concord, where I was sick with fever, and spoke to me cheering words. I was studying law with John H. George and Sidney Webster (George & Webster) and after the canvass opened we moved over to the law office of General Pierce and his partner Josiah Minot where I worked for General Pierce in collecting the fees to which he was entitled alone for cases tried by him outside of Merrimack County where Mr. Minot was an equal partner with him. I took great interest in this collection. His fees were ordinarily from five dollars to ten dollars per day and expenses outside of Concord! Prior to his going to Washington on March 4, 1853, I think I had managed to collect about five hundred dollars, and my expenses for collection were about fifty dollars. There was one charge of five hundred dollars which I became exceedingly desirous of collecting through James Bell (later, in 1855, elected United States senator) who was the senior counsel for the Winnepesaukee Lake Cotton and Woolen Manufacturing Company in a flowage case which had been tried for several weeks. General Pierce gave me a carefully worded letter which I took to Mr. Bell but came home without the money! The claim was, I believe,



HONORABLE WILLIAM E. CHANDLER

settled with some deduction before the President went to Washington.

In the spring of 1855 I was in Washington with my friend Isaac Andrew Hill, and Judge Minot took us to the White House up the back stairs where we saw the President and his Secretary, Mr. Sidney Webster, and were invited to tea, on which occasion there were present only the two Concord boys and an old-fashioned Western gentleman of dignity and politeness. The President goodnaturedly reproached Mr. Hill (whose father, Isaac Hill, had been a Jackson democrat and a United States senator), for leaving the Democratic party and becoming a Know Nothing and a free soiler; but he did not complain of me for being a Whig boy from whom he could expect nothing. The White House had been a lonely home by reason of the sudden death by a railroad accident of the boy son, Benjamin Pierce, on January 6, 1853, after his father's election, but before his inauguration.

With all these kindnesses from the President I could never have failed to love him and it has always remained certain that the boy he loved and helped would

Be to his virtues very kind
Be to his faults a little blind.

So as time passed I came to praise him for his goodness and greatness.

To the Grafton and Coös Bar Association, at Plymouth on January 6, 1888, I said of him from personal knowledge:

All my own observation of this brilliant advocate was while I was a law student under seventeen years of age; but I could even then appreciate the fact and am able now confidently to say, that very few American lawyers have equalled him in ingenuity, tact, grace, eloquence and power before a

jury; nor should his ability and success as a jury lawyer obscure the further truth, that, while not a learned lawyer, he had one of the clearest of legal minds, and an unsurpassed faculty of stating and arguing legal principles. I think a stronger impression was made upon my youthful mind by the arguments which I heard him make on legal questions, than by his conduct of jury cases. As a many sided lawyer, capable of conducting trials of all kinds, it seems to me that he stood facile princeps at the New Hampshire bar, not even yielding the palm to the massive and erudite, but eccentric, Ira Perley.

Further I said on that occasion:

The fact that Franklin Pierce became President of the United States should lead the people of his native state, without forgetting his mistakes, and without distinction of party, to do to him, in some appropriate method, signal honor. On the first Wednesday in June, 1845, Franklin Pierce and John P. Hale held that memorable debate in the North Church in Concord, which was the actual initiative in New Hampshire of the great political anti-slavery contest, the basis of which made the political issues of the state and the country for the forty years which followed, which had such a controlling influence upon the personal fortunes of both these distinguished and eloquent men, and which, as to some of its incidents and outgrowths, has not yet come to an end.

The heroic statue of Daniel Webster, whom New Hampshire proudly gave to be the great forensic defender of the Union and the Constitution and who, in spite of his political and personal shortcomings, was the greatest intellect that America has yet produced, fitly stands, the gift of a liberal private citizen, in front of the capitol at Concord. To the right and to the left of this massive memorial I hope to live to see erected similar statues of Franklin Pierce, given by New Hampshire to be president of our republic, and John P. Hale, the first distinctive anti-slavery United States senator and New Hampshire's noblest champion in the cause of human freedom.

At an Old Home Day Celebration in Concord on August 24, 1914, I also publicly recorded my opinion of President Pierce and my belief that the people of his native state, without forgetting his mistakes and without distinction of party, should do him signal honor by erecting his statue in the State House yard.

The statue of John P. Hale having been placed in the State House yard on August 13, 1892, once more I ventured to speak in favor of the erection of a statue of President Pierce, at a Republican State Convention of September 17, 1908. I introduced and urged this resolution:

Resolved, That the Republican State Convention desires that the next legislature provide for the erection in the State House yard at Concord of a statue of Franklin Pierce, a native and distinguished citizen of New Hampshire, an able lawyer, an eloquent orator, a general in the national army, a representative in congress, a United States senator and a President of the United States; and the convention expresses the hope that this movement for the erection of such a memorial statue will receive the approval and support of all our citizens without regard to party distinctions.

Unwise opposition arose and the report says:

Mr. Chandler obtained the floor and stated that he would be unwilling to have the resolution passed by the convention unless by substantially a unanimous vote and therefore that he withdrew the same.

On March 4, 1913—Woodrow Wilson's day—I made my last appeal for the statue, this time to the Democratic legislature of 1913, saying:

If the Democrats will all advocate it, enough Republicans will vote for it to make its erection sure.

All opposition from Republicans should cease. As people

grow old they need not change their opinions, but they ought to moderate their animosities and recognize the good that is in all men.

General Pierce in his relations with those he loved and those who loved him was one of the gentlest and most joyous of men; and of the twelve Presidents whom I have known and talked pleasantly with in the White House he came very near to being the most gracious.

Equally with Lewis Cass and Daniel Webster, Franklin Pierce is entitled to have harsh judgments of anti-slavery men moderated, as time passes, through a recognition of the sincerity of their fears of a dissolution of the Union in connection with controversies concerning slavery.

The strength of this plea in their behalf has been felicitously shown by Mr. Blaine and distinctly by me as appears in a memorandum published by me in 1908. I earnestly hope that every citizen of New Hampshire will in the era of the present day give his voice in favor of a statue, erected by the state of New Hampshire and not by any individual, of President Franklin Pierce.

It was most gratifying to me and creditable to the people of New Hampshire that without any further manifestation of party animosity the legislature on May 13, 1913, passed a law directing the Governor and Council to erect the statue and making an appropriation therefor; and the result of this commendable action stands before us in the graceful statue of Franklin Pierce to-day unveiled. We are now here, citizens of both politics, to give to the President's memory the praise and honor which is implied in the existence of the memorial.

On four official occasions it has been my duty to deal with the questions of the judgments which should be dealt out to what were called the pro-slavery statesmen of the ante-war period.

The first was on the reception by the Congress of a statue of Lewis Cass from the state of Michigan on

February 18 and 21, 1889; the second on the reception by Congress of a statue of Daniel Webster (with one of John Stark) from the state of New Hampshire, on December 20, 1894; the third on the unveiling of a statue of Mr. Webster in Washington presented to the United States by Stilson Hutchins on January 18, 1900; and the fourth on the celebration of the restoration of the Birthplace House of Mr. Webster at Franklin, New Hampshire, on August 28, 1913.

It will be an honor to me whenever a citizen of my native state, which has so much honored me, will read the words of praise which I am able to give to these distinguished men who gave renown to the state of their nativity down to and including the last, whose statue we now unveil—too long delayed in its erection.

In considering the question there is no wisdom in ignoring the reasons for the delay which has taken place. They are President Pierce's relations to the subject of slavery. He was a pro-slavery president and therefore must have no statue—it is said. At the end of fifty years after slavery has been blotted out of existence this reason should be disregarded.

The same objection could be made to statues of two other sons of New Hampshire—Lewis Cass and Daniel Webster; yet the statue of Cass, given by the Republican state of Michigan to the national gallery, was received by congress with eulogies participated in by the New Hampshire delegation, and the statue of Webster was given by New Hampshire to that gallery with appropriate ceremonies, and a like statue of Webster was given to the state by a private citizen, was received by the commonwealth and placed conspicuously in the State House yard and now stands there in company with the statues of John Stark and John P. Hale. On none of these occasions was there any attempt to avoid con-

sideration of the hostility which had existed against both Cass and Webster; both had been denounced with extreme bitterness, the one as always a pro-slavery man, the other as having wholly forsaken the anti-slavery cause. You all know the animosities aroused in those days. But they did not continue to prevail against Cass and Webster. They ought not longer to prevail against Pierce. The real reason why we should not at this late day longer refrain from erecting statues to such men is that their hesitancy to make efforts for the abolition of slavery, their willingness to make compromises in behalf of slavery, arose from their deep devotion to the union of these states which it was believed would be endangered if controversy over slavery continued. Bear in mind that these men were nearer to the days of the formation of the constitution than we now are after more than one hundred years of national life have passed, and the Union has been cemented and strengthened as the result of bloody war. They felt during the first half of the nineteenth century that the Union, although a very sacred bond, might easily be broken into numerous discordant single states if the love of the Union was not cherished in the hearts of all men and sacrifices made for its preservation. Upon this point Mr. Blaine shows the reasons why the utmost allowance should be made for these great men of New Hampshire who were in favor of yielding much to slavery in order to save the Union and who, although they were mistaken in their conclusions, are still entitled to be remembered and honored as honest and sincere in their public opinions and patriotic in their national conduct.

MR. BLAINE'S EXPLANATION OF MR. WEBSTER'S ACTION.

Mr. Blaine in his "Twenty Years of Congress" (Vol. I, page 93) attributes Mr. Webster's pro-slavery action to sincere sentiments of patriotism. He says:

"He belonged with those who could remember the first president, who personally knew much of the hardships and sorrows of the Revolutionary period, who were born to poverty and reared to privation. To these the formation of the federal government had come as a gift from Heaven and they had heard from the lips of the living Washington his farewell words that 'the Union is the edifice of our real independence, the support of our tranquillity at home, our peace abroad, our prosperity, our safety and of the very liberty which we so highly prize; that for this Union we should cherish a cordial, habitual, immovable attachment, and should discountenance whatever may suggest even a suspicion that it can in any event be abandoned.'

"Mr. Webster had in his own lifetime seen the thirteen colonies grow to thirty powerful states. He had seen three millions of people, enfeebled and impoverished by a long struggle, increased eightfold in number, surrounded by all the comforts, charms and securities of life. All this spoke to him of the Union and of its priceless blessings. He now heard its advantages discussed, its perpetuity doubted, its existence threatened.

"A convention of slaveholding states had been called to meet at Nashville for the purpose of considering the possible separation of the sections. Mr. Webster felt that a generation had been born who were undervaluing their inheritance and who might by temerity destroy it. Under motives imposed by these surroundings, he spoke for the preservation of the Union. He believed it to be seriously endangered. His apprehensions were ridiculed by many who ten years after Mr. Webster was in his grave saw for the first time how real and how terrible were the perils upon which those apprehensions were founded. . . . The thoughtful reconsideration of his severest critics must allow that Mr. Webster saw before him a divided duty, and that he chose the part which in his patriotic judgment was demanded by the supreme danger of the hour."

But while accepting as just, and reiterating as I have

on the occasions referred to, this vindication by Mr. Blaine of the "Union savers" who were unkindly reproached in their day of debate, it is necessary for me to avow that it is easier for me to do this in behalf of the advocates of the compromise measures of 1850 than in behalf of the statesmen who four years later devised and carried to a passage through Congress the repeal of the Missouri Compromise.

This repeal was utterly indefensible, even although sustained by the unjust and unfortunate Dred Scott decision, and remains a wrongful act of the American Congress, which was fraught with distressing consequences. Yet, even here, because their public action was, as much as Mr. Webster's, based upon an "honest motive" Stephen A. Douglas and Franklin Pierce are to be acquitted of unforgivable public acts and are to be praised and honored for their careers as a whole of statesmanship and patriotism.

Therefore, now so it is, that in my declining years, I find myself unable to harshly criticize and condemn any of the leaders of the first ninety years of American Independence, or to withhold from any of them, by reason of such faults and mistakes as may be developed in any career of prominence, the praises that are due to them for any wise and noble and patriotic deeds.

Those of President Pierce were narrated down to 1852 by his Bowdoin College associate and constant friend, Nathaniel Hawthorne, in a most attractive and felicitous campaign biography in that year, and were fully recorded in 1888 in Appleton's "Cyclopaedia of American Biography" by one who had been a United States senator from New Hampshire—Bainbridge Wadleigh, a Republican, in a fair and accurate recital.

Franklin Pierce was a scholar of superior knowledge, an orator of captivating eloquence, a lawyer of acute learn-

ing, a trial advocate of unsurpassed skill and force, a brave soldier on the battlefield of his country, a public official of ability and fidelity, and a President of conscientiousness and patriotism, whose statue in this State House yard is fittingly the companion of that of the soldier John Stark and of those of the statesmen Daniel Webster and John P. Hale. Before future generations there will continue to stand here this testimonial to President Pierce from all the people of his state asserting his high character, his splendid achievements and the noble traits which made him admired and beloved by his countrymen.

MR. CARR, INTRODUCING MR. BRANCH:

Since the formation of our government, American democracy has been on trial. It is to-day. "The basis of a true democracy is moral sovereignty." Experience and the beacon lights of history guide us dimly in our struggle, and patriotism and righteousness alone can guard our way.

Some phases of the part played in the struggle by him whom we honor on this occasion will be estimated by one of our best students of history, a scholar, lawyer, and a lover of true American democracy, Honorable Oliver E. Branch, who will address us on Franklin Pierce and the War for the Union.

ORATION OF MR. BRANCH.

YOUR Excellency, Mr. President, Ladies and Gentlemen:

At the last session of the legislature the following joint resolution was adopted:

Resolved, by the Senate and House of Representatives in General Court convened: That the governor and council are hereby directed to cause a statue to Franklin Pierce to be erected in an appropriate place, to be by them selected in the state house yard, the material, design, workmanship and dedication to be left to the governor and council, and that to meet the expense thereof the governor be authorized to draw his warrant upon the treasury for a sum not exceeding \$15,000.

The passage of this resolution was the gratifying culmination of an effort extending over several years on the part of a large number of our citizens without distinction of political parties, to obtain for Mr. Pierce permanent public recognition of his distinguished services, character and career. In the performance of the duty thus imposed upon the governor and council they have been aided by the advice and practical suggestions of several gentlemen, some of whom were personally acquainted with Mr. Pierce, and who, notwithstanding the fierce criticism to which he was subjected in his long public life for his attitude on the problems connected with the anti-slavery agitation and the war for the Union, believe in the honesty of his convictions, his patriotism, and his loyalty to his country.

Not long ago the commons of England caused to be erected outside the walls and within the yard of Westminster Hall an heroic statue of Oliver Cromwell, and this notwithstanding Cromwell is still regarded by many

English people with absolute aversion and as a veritable "man of sin." Nevertheless, the people of England were broad-minded enough to recognize the great services Cromwell rendered the cause of constitutional government, and the high place he merits in the pantheon of English history; and there his statue stands within sight of Temple Bar, where for years after the restoration his body hung in chains, a monument to his extraordinary career and a witness to the fine tolerance of the English people. So, too, this monument which the people of New Hampshire have caused to-day to be erected will stand as a witness to their liberal spirit, and a memorial to the high accomplishments of Franklin Pierce.

Fifty-three years have passed since the events occurred in which Mr. Pierce bore a conspicuous part. Thousands who were then unborn, now are voters. The restless boys who then filled the benches of the schoolhouses, who were stirred with a strange excitement when they heard of Sumter, and saw volunteers marching through quiet towns and villages, thronging the railway stations and departing amid shouts and cheers and tearful good-byes for the camp and field, to-day are men "on whose faces shines the light of life's declining sun." The long line of illustrious men who, in the cabinet and legislature, in army and navy, conducted the nation through the struggle have to a large extent "gone over to the majority," and the broken regiments of scarred veterans who came home with torn and tattered battle flags have become decimated in the conflict that sounds no truce.

Thronging through the cloud-rift, whose are they, the faces

Faint revealed yet sure divined, the famous ones of old?

"What"—they smile—"our names, our deeds so soon erases

Time upon his tablet where Life's glory lies enrolled?

"Was it for mere fool's-play, make-believe and mumming,
 So we battled it like men, not boylike sulked and whined?
 Each of us heard clang God's 'Come!' and each was coming;
 Soldiers all, to forward-face, not sneaks to lag behind!"

Since then we have become substantially a new people with a better understanding of the causes of the war and of the events that led up to the great rebellion than many who witnessed its dramatic beginning. How strange it seems to us that human slavery once existed as a recognized protected institution in a large portion of this land! It is as unreal to us as the fact that King George's statue once stood in Bowling Green, and that royal governors from England ruled over what now are sovereign states. How like a dream it seems to those now in the decline of life that for four weary years the resources and the energies of the two great sections of the country were marshalled in a desperate struggle for supremacy!

Now the war was not a conflict that was desired or even encouraged, at the outset, by the masses, North or South. It may be doubted whether the party leaders at that time really anticipated that a great civil war would be the final result of the mighty political struggle which had been going on for more than half a century. The people were happy, united by sympathy and community interest, national pride and national glory. There was no general prevailing sentiment that slavery was inherently wrong and should be destroyed, for it was an institution that the fathers found here, that had existed before the foundations of the government were laid, which was protected by the Federal Constitution and the decisions of the supreme court, an institution which had flourished in Massachusetts as well as in Virginia, and which had died out of the northern states through economic rather than humane causes. To the southern people born, reared and educated under its shadow, it



HONORABLE OLIVER E. BRANCH
Orator of the Day

appeared not only right but natural and necessary, and absolutely indispensable to their industrial and commercial existence, while New England believed that her primacy in cotton manufactures would be destroyed without slave labor in the cotton fields of the South.

When the Federal Constitution was framed and adopted, slavery was of necessity recognized as an ineluctable part of the social and political system, which must be so regarded, and consequently allowed and protected. The Federal Union could not be created without the concurrence of the southern states, nor the Federal Constitution adopted without their votes, and to have proposed and insisted at that critical time, even had there been any great sentiment in favor of it, that slavery could be abolished, would have been equivalent to saying that there should be no Federal Union and Constitution.

And so, upon the quicksands of slavery was built the majestic temple of liberty. Such a condition of things was, of course, an anomaly. Here was a people that proposed a new era in government. They announced as the foundation principles of that government, the largest freedom to all, consistent with the rights of all, and that "all men are endowed by their Creator with the inalienable rights of liberty and the pursuit of happiness." And yet, that people, actuated by the purest motives and the highest patriotism, and proclaiming a code of political principles, as luminous as a star, were by an overmastering necessity, compelled at the very outset of their career, to violate and affront those principles when put into practical operation, by preserving and fostering under their organic law an institution as dark as "Erebus and Old Night." Could such a condition of things long endure? Could abstract right and active wrong be made to work in harmony? Such a thing was opposed to the very spirit and genius of the government, to natural

justice and to the eternal decrees of God. It bore the seeds of its own destruction within itself. "The irrepressible conflict" could not be postponed, and it came.

There was one capital defect in the Federal Constitution. It left the question in dispute whether the states constituted a nation, an indissoluble union of indestructible states, or a mere confederation of absolutely independent states, which had reserved to themselves the same choice and power to withdraw from the Union when in their judgment they saw fit, as they had to join it in the beginning. The former is the true theory, said the North; the latter is the true theory, said the South. Nor was the South alone in her interpretation of the nature of the Union. It prevailed to a large extent in the North among Democrats, Whigs, Republicans and Abolitionists. It was a question of constitutional law which neither Webster nor Calhoun could decide, but so long as an honest difference of opinion was possible, so long the stability of the government and the permanence of the Union were imperiled.

The immediate cause of the war was the result of these opposing theories respecting the structure of the Union, which on the part of the South had been forced into growing importance by the anti-slavery agitation and the increasing conviction in the minds of conservative men of all parties that slavery should be confined to the states in which it then existed. Its subsequent cause was the necessity which compelled the government as a war measure to strike at the institution of slavery and through its destruction at the rebellion itself.

It is not always considered, in the discussion of the issues that agitated the country during the presidency of Mr. Pierce and Mr. Buchanan, that for the most part they involved great questions of law upon which the ablest lawyers of the country might, and did honestly

differ, but which, as the struggle progressed and civil war became imminent, following the election of Abraham Lincoln to the Presidency, forced to the front the question of the destruction of slavery.

Naturally, Mr. Pierce's point of view in regard to these great questions was that of the trained constitutional lawyer, who believed that the safety and perpetuity of the Union absolutely depended upon a strict adherence to the Federal Constitution, and the decisions of the supreme court in cases where those laws were involved, and that if the restraints of the Constitution and of the courts upon the powers of Congress were destroyed, the destruction of the Union would be the unescapable consequence and result.

It was, therefore, inevitable that in the midst of the passions excited by the progress of the war, and especially by the issuance of the emancipation proclamation, Mr. Pierce's loyalty to the Union was seriously questioned, but I think it is beyond doubt that during this period he was sincerely concerned over the threatened dismemberment of the Union, and felt that in comparison with this menace the question of the destruction or the continuance of slavery was of secondary concern; and thus it was that when the slavery question had come to be a moral issue and its destruction urged as a legitimate exercise of the war powers of the government that Mr. Pierce's position upon these matters was bitterly attacked and condemned in the North, especially in New Hampshire, and his loyalty to the Union openly challenged.

There is another fact that is often lost sight of in considering the causes that led to the great rebellion, and to the position which Mr. Pierce took in regard to them, and that is, that the Republican party came into power, not upon the issue of abolishing slavery, but instead, upon the issue of confining it to the states where it then

existed; and that the war was not undertaken by the government for the purpose of destroying slavery, but for the purpose of putting down the rebellion and preserving the Union.

In his first inaugural address, Mr. Lincoln said:

I have no purpose directly or indirectly to interfere with the institution of slavery in the states where it now exists. I believe I have no lawful right to do so, and I have no inclination to do so. Those who nominated me and elected me did so with the full knowledge that I had made this and many similar declarations and had never recanted them.

Again, he said in his letter to Horace Greeley, in August, 1862,—

I would save the Union. I would save it in the shortest way under the Constitution. The sooner the national authority can be restored, the nearer the Union will be "the Union as it was." If there be those who would not save the Union unless they could at the same time save slavery, I do not agree with them. If there be those who would not save the Union unless they could at the same time destroy slavery, I do not agree with them. My paramount object in this struggle is to save the Union, and it is not either to save or to destroy slavery. If I could save the Union without freeing any slave I would do it. If I could save it by freeing all the slaves I would do it. If I could save it by freeing some and leaving others alone, I would also do that. What I do about slavery and the colored race I do because I believe it helps to save the Union. What I forbear, I forbear because I do not believe it would help to save the Union. I have so stated my purpose according to my view of official duty, and I intend no modification of my oft-expressed personal wish that all men everywhere could be free.

This letter of Mr. Lincoln immediately subjected him to a storm of condemnation, quite as violent as those to which Mr. Pierce had been subjected; but so

inflamed had public sentiment become in regard to slavery and putting down the rebellion, that all appeals for conservative action in dealing with them were with many regarded as little short of disloyalty.

I think it is beyond question that before Mr. Lincoln assumed the duties of his office he was profoundly apprehensive that the secession movement, which for the time seemed to have lost something of its momentum, following the action of the seven states that had already passed secession ordinances, would be followed by the secession of other states upon the turning over of the government to the victorious Republican party, in which event nothing but war could stay the progress of the slave states in setting up a separate government in which their constitutional rights would find the protection which, it was insisted, they had not had under the Federal Union, and the way opened for the ultimate triumph of the secession cause. Herein we may find an explanation of the highly conciliatory tone of Mr. Lincoln's first inaugural address, and in which he sought to allay the fears of the South that it was the intention of the Republican administration to interfere with slavery in the states where it then existed. But secession triumphant meant something more than a particular theory of the Union established; it meant slavery preserved and extended by the power of a new empire of which it should be the cornerstone. Nevertheless, when the guns of Fort Moultrie opened on the "Star of the West," the challenge which was then made to the government and which the government accepted was simply whether there should be a Union or a Confederation, not whether there should be a Union with or without slavery. Well, that was something worth fighting for, yet it lacked on the side of the North, to some extent, the incentives which spring from a sense of

high conviction, which inspire popular enthusiasm and which, when they once seize upon a great people, make their armies invincible and their cause triumphant. Small wonder that between 1861 and 1863 patriotic men often said, "Are we not fighting for a principle which is purely academic? It is not after all simply a question of constitutional law, which the greatest lawyers of the country cannot decide, and which, though its solution affects the form of our government, is not absolutely necessary for our existence or our happiness? Well might men say, as they often did, when the news of defeat and loss upon loss came up from our armies, "Are we not paying too dearly for an experiment of government by the people? Is not the prophecy of Mr. Lincoln being fulfilled that 'should we go to war after great losses on both sides and nothing gained, the same questions will be forced upon us?'"

It was not until the Emancipation Proclamation was issued, when the struggle for "the Union as it was" and "the Constitution as it was," became the struggle for "the Constitution as it is" and "the Union as it is," when the cause became one not of politics only, but of morals; not of governmental philosophy, but of humanity; not of theoretical liberty, but of practical freedom; that the North and her armies caught the inspiration which swept them straight on to victory. The national conscience which had been paralyzed for a hundred years was suddenly quickened into life, and as if to atone in an hour for the sins of a century, the power of the government was hurled at the confederacy with the fury of retribution. The question of secession and slavery was decided beyond appeal, and for the first time in its history the nation became worthy of the exalted position it had so long and so falsely assumed.

Mr. Pierce's professional and political career was

coincident with the most critical years in the history of the republic; years when the very life of the nation was at stake, when the threat of secession was heard in the North as well as in the South; years when the institution of slavery was defended in many a northern pulpit as something divinely ordered; years when the possibility of a disruption of the Federal Union was regarded with complacency and excited no general alarm, and when great issues that agitated the country involved questions of organic law instead of morals and the sentiments of patriotism.

The situation prior to the actual opening of hostilities was most extraordinary. Truly, it was a time "that tried men's souls." Here was slavery firmly intrenched in sixteen states, protected and buttressed by the Federal Constitution and the Federal statutes, and the decisions of the supreme court, and representing millions of money invested in slaves and threatening secession if their right to hold slaves was assailed. Here were the Abolitionists, demanding the immediate overthrow of the whole slavery system. Here were the great senators of the North, attacking in high debate the right of secession, and on the other hand, the Southern senators passionately defending secession and proclaiming the absolute right of states to order and direct their own domestic affairs without interference from the general government or the free states. Here was Mr. Lincoln, despairing of any agreement for composing the warring parties, proposing that slavery should be abolished by the payment of four billion dollars to the slave owners to compensate them for the deprivation of their property. Here was the Republican party proposing that slavery should not be abolished but confined to the states where it then existed; and on the other hand, here were the Douglas Democrats, proposing to let

the new states decide for themselves whether or not they would permit slavery. No wonder that the lines of care deepened on the sad face of Mr. Lincoln, when day after day the possibility of saving the Union grew more and more hopeless. Little wonder that patriotic men, amidst these warring and mutually extinctive factions knew not where the right lay nor where the path of duty led, and that they sometimes erred in judgment, especially when over all that wide welter of strife there hung the portentous clouds of civil war.

There was one thing, which perhaps more than any other intensified public excitement over the anti-slavery issue and the secession movement, and that was the decision of the supreme court of the United States in the Dred Scott case, a decision which was long misrepresented and which caused the chief justice and the justices who concurred with him in the opinion to be unsparingly assailed and the honesty of their conclusions denied on hundreds of platforms and in thousands of newspapers and pamphlets throughout the North. The specific charge which was made against the opinion, and which roused the bitterest feeling, was that it decided that "a negro has no rights that a white man is bound to respect." That this was an absolute perversion of what the court in fact decided is apparent upon the briefest examination, but the charge was made so persistently and so often that no denial of its truth was listened to, so tense had public feeling become in regard to slavery in the southern as well as in the northern states.

The facts in brief were these: One of the important issues raised in the case was whether negroes were "citizens" of the United States within the meaning of that term as used in the Federal Constitution, and it was held by a majority of the court that they were not. In support of this conclusion, Chief Justice Taney went



THE STATUE
(Another View)

into an historical account of the condition of the negro in this country and in England previous to the adoption of the Constitution, and especially as to the light in which that race was regarded at the time the Constitution was framed. In the course of his remarks he said:

It is difficult at this day to realize the state of public opinion in relation to that unfortunate race which prevailed in the civilized and enlightened portions of the world at the time of the Declaration of Independence, and when the Constitution was framed and adopted, but the history of every European nation displayed it in a manner too plain to be mistaken. They had for more than a century been regarded as beings of an inferior order and altogether unfit to associate with the white race, either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect; and that the negro might justly and lawfully be reduced to slavery for his benefit. . . . And in no nation was this opinion more firmly fixed or uniformly acted upon than by the English government and the English people. The opinion thus sustained and acted upon in England was naturally impressed upon the colonies which they founded on this side of the Atlantic, and accordingly, a negro of the African race was regarded by them as an article of property and held and bought and sold as such by everyone of the thirteen colonies which united in the Declaration of Independence and afterwards formed the Constitution of the United States.

It will be seen, then, that the statement to which we have referred was only that of an historical fact made by Judge Taney for the purpose of ascertaining the probable meaning of the word "citizen," as used in the Constitution. He did not make it as a judicial decision, nor state it as an axiom of morality or justice. It was simply a statement of an historical fact relative to an opinion formerly held. Still less did he affirm that such was his opinion, for in speaking of certain laws made in view of such opinion, he said:

It is not the province of the court to decide upon the justice or injustice, policy or impolicy, of these laws. The decision of that question belongs to the political or law-making power, to those who formed the sovereignty and framed the Constitution. The duty of the court is to interpret the instrument they have framed with the best lights we can obtain upon the subject, and to administer it according to its true intent and meaning when it was adopted.

Mr. Pierce defended the decision of the supreme court in this case, and as was inevitable, had to share the odium that was cast upon the decision long after it had become a closed chapter in the constitutional history of the nation. I venture, however, to say that a calm, dispassionate examination of the opinion of Judge Taney will lead to the conclusion that his argument was not answered by Judge Curtiss, who wrote the principal dissenting opinion, and should absolutely refute the charge so often made that the gentle, high-minded, incorruptible, accomplished chief justice made himself the willing agent for keeping in slavery thousands of the human race.

The fugitive slave law, the Kansas-Nebraska bill, and the Missouri Compromise were all party and administration measures which Mr. Pierce could not do otherwise than support, and which were designed to protect slavery and to counteract the effects which were being made in the North to abolish it. But so long as slavery was sanctioned and protected by the Federal Constitution it could not be said that the South was not justified in demanding that its constitutional right to hold slaves should not be questioned or attacked. To the people of this day it seems incredible that such legislation could have been enacted or defended. It is only in the retrospect of fifty years and by putting ourselves in imagination in the place of the southern people that we may find justification for the motives that actuated them,

and for the sincerity of their belief, not only that their cause was just, but that secession and the establishment of a separate nation were the only alternative remaining to them if they were to be denied or deprived of their rights under the Federal compact.

In the light of these facts, we may now see how unjust were the assaults which at the time were made upon Mr. Pierce because he differed with other great statesmen and lawyers upon these questions of constitutional law, and how easy it was to blame him because he did not look upon secession and slavery as they are now looked upon after fifty years of moral progress and social and political reform. He should be judged in the light of the conditions as they existed in his time, and in view of the conflicting interests that were struggling for the mastery, the complex character of the questions of law that entered into the controversy, and the far-reaching disastrous consequences that would follow the destruction of the Union.

Time has softened the passions that were aroused by that mighty struggle and has lifted into truer perspective the tremendous issues that divided the country and which brought the Union to the perilous verge of destruction, and it has also brought into clearer light Mr. Pierce's integrity of purpose, his real loyalty to the country which had so greatly honored him, at the time when the unsettled problems of the government were remorselessly dragging the nation into a war, the consequences of which no man could foresee. But may we not now see, that although Mr. Pierce may have made serious mistakes, as the events finally showed, in the position which he took upon the momentous questions that concerned the nation in the supreme crisis of its existence, he was not a traitor, nor an ingrate, nor a coward, but a true lover of his country, and a statesman in whose accomplishments his native state may take a just and lasting pride.

MR. CARR, INTRODUCING MR. WHITCHER:

We have, as our last speaker, one who is not of the political faith of Franklin Pierce but who always, in this hall and elsewhere, has striven to obtain this statue to New Hampshire's only President. We are glad to welcome him,—Honorable William F. Whitcher.

MR. WHITCHER'S ADDRESS.

THE memorial, to-day dedicated, is the well-considered tribute the state of New Hampshire pays to the honorable service, the lofty achievements and the devoted patriotism of a distinguished son. No feature of his life and character was more marked and prominent than such patriotism. Patriotism is a passion for country, and Franklin Pierce loved his country thus, and gave it his best service. He came of sturdy Revolutionary stock, and love of country, and devotion to its interests were his by inheritance. This love and devotion grew with his growth and ripened into fullness with his ripening years.

I quote two characteristic utterances of his, made under circumstances which preclude all doubt of their thorough sincerity. On the solemn occasion of his inauguration as President of the United States he said:

With the Union my best and dearest earthly hopes are entwined. . . . It's with me an earnest and vital belief that as the Union has been the source, under Providence, of our prosperity to this time, so it is the surest pledge of a continuance of the blessings we have enjoyed, and which we are sacredly bound to transmit undiminished to our children.

Ten years later in the dark days of Civil War, when



WILLIAM F. WHITCHER

the fate of the Union yet hung in the balance, in an address made on that memorable Fourth of July, 1863, near where his statue now stands he said:

I will not believe that the experiment of man's capacity for self-government, which was so successfully illustrated until all the Revolutionary men had passed to their final reward, is to prove a humiliating failure. Whatever others may do, we will never abandon the hope that the Union is to be restored; whatever others may do, we will cling to it as the mariner clings to the last plank when night and tempest close around him.

With him Country and Union were one. The Union he ardently loved and devotedly served, was the Union formed by the Constitution, a Constitution he regarded with reverence, and the terms of which he believed should be strictly construed. It was a Union of sovereign states. The Constitution gave certain broad and general powers, powers, however, clearly defined, to a Federal Government. All others, he firmly believed, were retained by the states. Thus his country's welfare depended upon a constant discrimination between the separate rights and responsibilities of the states, and the common rights and obligations of the whole people under the general government. In a word, the country he loved and to which he gave his life devotion was "an indissoluble Union of indestructible states." From this conception of Country and Union he never swerved in word or deed during a career in which he was often misunderstood, often cruelly maligned. For his course and conduct he was calmly content to wait the judgment of later generations.

We have come upon a time when the old idea of statehood is being obscured by a cloud of fantastic experiments under the name of a centralized "New National-

ism," but there are happily indications that the pendulum will yet swing towards a reasonable regard for reasonable and constitutional statehood.

Franklin Pierce had thirteen predecessors in his exalted office of President. His successors also number thirteen. He stands midway in a distinguished line. He may not have been the greatest in that line; his star may not shine the most resplendent; but in purity of purpose and of character, in unswerving loyalty to conviction, in love of Country and Union, in steadfast devotion to the right, as God gave him to see the right, we may invite comparison with those who preceded him, and with those who have followed.

New Hampshire pays him honor to-day—belated perhaps,—but all the more emphatic because belated. New Hampshire honors his memory, not impulsively or unthinkingly, but soberly, thoughtfully, reverently. In honoring him, she honors herself.

At the close of the exercises the large audience joined in singing "America," led by the band. The other numbers by the band, interspersed with the addresses, included:

Sextette—"Lucia"

Donizetti

Ballet—"Dance of the Hours"

Ponchielli

Intermezzo—"Cavalleria Rusticana"

Mascagni

ending with a selection from Wagner's "Lohengrin."



DAVID E. MURPHY
Marshal of the Day

APPENDIX.

FRANKLIN PIERCE, THE LAWYER.

BY HON. DAVID CROSS.*

MR. PRESIDENT and Brethren of the New Hampshire Bar Association:

Charles H. Bell, of Exeter, died in 1893, leaving in manuscript and partly printed "The Bench and Bar of New Hampshire," a book of 795 pages of rare excellence, remarkable discrimination, and great ability, containing the names of 1,472 lawyers, including the name of every member of the bar who has lived and practised in the state, together with biographical notes of all deceased lawyers and the judges of the higher courts. The preparation of this book must have taken the patient labor of Mr. Bell for many years. It is a noble and enduring monument to his memory. It is remarkable for what it says clearly and fully of each, and for what it omits to say according to usual eulogy.

Mr. Bell had rare ability for clear statement of facts in his profession and he brought to this work the enthusiasm and earnest devotion of years of observation and study. There is no sameness in the sketches; each shows the lawyer or the judge as he was known. Some might think that their relative or friend was not given sufficient credit for legal learning, or that faults were too freely recorded. On the whole, as I have read and re-read sketches of those I have known, I am gratified and delighted at their fairness and justice, and surprised that any man had the ability to give such a varied

* Delivered before the New Hampshire Bar Association, March 15, 1900.

and truthful memorial of the deceased judges and lawyers of the state.

After having given considerable time to the study of the life of Franklin Pierce as a lawyer, and made inquiries of members of the bar, I come back to the record as given by Mr. Bell and find that on three printed pages he has given such a portraiture, so comprehensive, so clear, so exact, that at first it seems as though nothing can be added.

As I have read over the names in Brother Bell's book, as I have looked into the sixty-eight volumes of New Hampshire Reports and examined the names of the judges, I am surprised to find that with the exception of Chief Justice Richardson, Jeremiah Smith, senior, and Samuel Bell, I have seen every judge who presided at trial terms, and every one whose recorded opinions are in the New Hampshire Reports.

As a boy at school in Hopkinton I remember Judges Harris and Green. I remember the scholarly, genial, high-minded Gilchrist who pleased everybody by his fairness, and who left in the New Hampshire Reports evidence of his learning and ability. I remember the even-tempered, patient, upright, modest but firm Judge Woods who filled his office with credit to himself and to the Bench. I remember Joel Parker whose very look and presence commanded respect and confidence and whose ability as a lawyer, while upon the Bench, and while a professor at Harvard Law School, have been an honor to the state, and placed him among the leading jurists of the country. I remember, as some few of you may, Judge Charles F. Gove, able, honest and forceful, yet irritable and nervous to such a degree that lawyers and clients felt obliged to move with softness while the court was in session lest they be rebuked and perhaps ordered into custody. I remember Judges Bellows, Eastman, Perley, Sargent,

Bell, Bartlett, Cushing, Doe, Ladd, Bingham, Smith, and others.

The Bar of the state may well be proud of the men who have presided in our highest courts. The decisions in our sixty-eight volumes are recognized in the judicial tribunals of the English-speaking world as authority upon the questions discussed.

Of the lawyers, as well as the judges, whose names appear in Mr. Bell's book, it seems as though I had also seen nearly every prominent one among them.

I remember being introduced to Jeremiah Mason by Judge Story at the Harvard Law School in 1842. He was a wonder to look upon, six and one-half feet tall and well proportioned. He was a giant physically, and Daniel Webster declared him to be the greatest lawyer in the country.

I saw Joseph Bell many times. Daniel Webster I heard in several cases in Boston; Ichabod Bartlett and Attorney-General George Sullivan I heard in the Old North Meeting-house at Concord in the trial of Prescott for murder in the fall of 1834. The musical voice and fascinating manner of Mr. Sullivan and the eloquence and forceful manner of Ichabod Bartlett hold an abiding place in my memory as I recall their arguments. John S. Wells, Daniel M. Christie, James Bell, Daniel Clark, George W. Morrison, George Y. Sawyer, A. F. Stevens, Bainbridge Wadleigh, A. F. Pike, Gilman Marston, Mark Farley, Charles G. Atherton, James Wilson, William P. Wheeler, Thomas J. Whipple, John H. George, John Y. Mugridge, Daniel Barnard, Ossian Ray, A. R. Hatch and many others, I saw in court and know something of their ability and success as lawyers. As I attempt to characterize such men as Joel Parker, Gilchrist and Woods as I saw them as a student and an attorney beginning practice, a sort of reverence comes

over me and I cannot help regarding them as superior to the judges of the present day. I believe that Judge Doe spoke correctly when he said that the lawyers and judges of the present day are better educated and more thoroughly equipped in the law than sixty years ago. I cannot, however, look up to the present court with quite the wonder and timidity that I did in 1841.

As illustrating this principle of reverence for older lawyers and judges I recollect a peculiar incident of my early schoolboy days. In 1829 a man was arrested in the town of Weare for assault and battery. David Steele of Goffstown appeared upon one side and Josiah Danforth of Weare on the other. The trial was held in the schoolhouse and crowds attended the hearing for two days. I can remember some of the words spoken upon that trial. Mr. Danforth, in his desire to impress upon the justice of the peace who held the court, the solemnity and importance of the occasion, paid a high tribute to the cause of education and the schoolhouse in which the court was held. Among other things he said, "The schoolhouse is the sentinel-box of liberty." I have heard many tributes paid to the cause of common school education and to the schoolhouse of New England, but I have never heard a higher than this by Mr. Danforth. The two men, Steele and Danforth, with their ruffled shirts and dignified appearance, continue to impress me as somehow different and superior to other men, although subsequent acquaintance and experience convinced me that they were ordinary lawyers.

As I recall the lawyers of the past seventy years, as I read their names in this book of Mr. Bell, I can see them, one and all; they are real to me; I knew them; I remember them now. They all like the rest of us struggled their brief day, most of them with success.

As we read name after name of the 1,472 lawyers, we

are conscious in so many instances that it is only a name to us, and that the real life and what it accomplished is not recorded, and that the reputation of a lawyer, as of most men, is limited to his own time.

This Association, as I understand it, proposes to perpetuate the memory of the lawyers of the past, and at each returning annual meeting give some account of those who have finished their work. In this record of Mr. Bell, and in our records of the future will be the names of many, very many, not known beyond their immediate neighborhood but who in educational, moral, and social influence wrought a good work and lived honorable and useful lives. There is hardly a statute from 1776, which has not been modified and improved by the influence and work of members of our profession. The strange and senseless methods of procedure in court have given place to good sense and just rules, the work entirely of judges and lawyers.

Brethren, we have a rich inheritance. Among the recorded names of the bar of this state are men who achieved a national, and some of them a world-wide, fame. What these men wrought in life is before us. What they did worthily we can attempt to do. The record of their lives is a bond of brotherhood; it is an encouragement and inspiration to us, and to those who shall follow, to recall them from time to time and to learn how they lived. What helped them in their successes and defeats may well be worthy of our consideration.

I am honored by the invitation of the officers of this Association, at this first annual meeting, to bring to your attention Franklin Pierce, one of these brothers of the past, that I may fulfil the obligation that each and all owe to our profession, and comply with one of the leading purposes of our organization, so clearly stated

in Article 3 of the Constitution which reads,—“To preserve the memory of worthy members of the profession by publishing such modest and truthful accounts of their lives and doings as may be worthy to be rescued from the oblivion which otherwise so inevitably swallows up the most devoted and useful labors, as well as the most brilliant achievements of the lawyer, as soon as he is overtaken by the fate which awaits us all, and retires from the field of his activity,—his victories and defeats.”

Almost a generation has passed since the death of General Pierce. But few remain who can speak of him from personal knowledge during the period of his active life from 1826 to 1857.

The law was his chosen profession and he honored it. The foundation of what he accomplished was laid in the study and practice of law. He was taken from our ranks to the House of Representatives and Senate, and returned to the profession with such enthusiasm as has been rarely seen. He was again called to the highest official position in the world as President of the United States. He lived in such an eventful period of our national history, was so much a part of it, that his ability and rank as a lawyer are obscured and forgotten.

It is due to him as our brother that this Association review his life and place upon its records some appreciative memorial.

His life as a lawyer and his official life are so blended that it is impossible adequately to present one without giving consideration to the other, and full justice to him as lawyer, citizen and high official can only be done by presenting him as a man, and what in his early life and maturing years made him what he was.

He was born in Hillsborough, November 23, 1804. He was graduated at Bowdoin College at twenty years of age. He took an honorable position as a scholar dur-

ing his college course. He studied law in the offices of Levi Woodbury in Portsmouth, Edward Parker at Amherst and at the Northampton Law School, under Judge Samuel Howe, Elijah H. Mills and John H. Ashman. Ashman was afterwards one of the professors at the Harvard Law School. The system of instruction of the law school of that time comprised a course of lectures in the various departments of the law, recitations and examinations in the principal elementary works, moot courts and discussions, oral and written, upon legal questions. His opportunity for learning law was exceptionally good, better than most young men of his time. In 1827, at twenty-three years of age, he was admitted to the bar and opened an office in the lower village of Hillsborough, in a small building of the kind such as country lawyers were accustomed to use, and there continued his office until he moved to Concord about 1838.

In 1834 he was married to Jane Means Appleton, daughter of Rev. Dr. Jesse Appleton, president of Bowdoin College. There were three children born to them: the first died in infancy, the second, Frank Robert, in 1844, in his fourth year, and the third, Benjamin, in January, 1853, in the eleventh year of his age.

It is said of her: "Her fine natural endowments were developed by a careful and generous culture, not merely under the forms of education, but through the agency of all the impressions and influences of her early home, and the circle of related families. Her tastes were of exceeding delicacy and purity. Her eyes appreciated in a remarkable degree whatever was beautiful in nature and art. She shrank with extreme sensitiveness from public observation. It is no disparagement to others who have occupied her station at the White House to claim for her an unsurpassed dignity and grace, delicacy and purity in all that public life. There was a home—a Christian

home—quietly and constantly maintained, and very many hearts rejoice in its blessedness.”

From 1842 to 1852, with the exception of one year while in the Mexican War, was the time of his most entire and devoted attention to the practice of law.

Let me give a brief outline of his life outside of the practice of law from his twenty-fifth to his forty-eighth year.

From his twenty-fifth to his twenty-ninth year of age he was a member of the House of Representatives from Hillsborough for four years, two of which he was speaker. At the age of twenty-nine he was elected to the United States House of Representatives and held the office for four years. At thirty-three years of age he was elected United States senator for six years, and there with Webster, Clay, Benton, Calhoun and other great men of the time, held a respectable standing for five years, and then resigned and returned to New Hampshire to practise law.

In 1838, when he was about to change his residence from Hillsborough to Concord, the citizens of Hillsborough tendered him an invitation to a public dinner, and in his answer declining he said, “I shall leave Hillsborough with no ordinary regret. There are a thousand reasons why it cannot be otherwise—I have hitherto known no other home.

“Here have passed many of the happiest days and months of my life. With these streams and mountains are associated most of the delightful recollections of buoyant and happy boyhood, and in my early intercourse with the generous, independent and intelligent yeomanry of Hillsborough I became attached to, and learned how highly to appreciate that class of the community which constitutes the true nobility of this country. I need hardly say that I shall never cease to remember my

birthplace with pride as well as with affection, and with still more pride shall I recollect the steady, unqualified and generous confidence which has been reposed in me by its inhabitants."

Upon the appointment of Levi Woodbury as judge of the United States Supreme Court in 1846, he was offered by Governor Steele the appointment of United States senator and declined it. In his letter declining to accept, he said: "My personal wishes and purposes in 1842, when I resigned the seat in the senate were, as I supposed, so perfectly understood that I have not, for a moment, contemplated a return to public life. Without adverting to other grounds which would have much influence in forming my decision, the situation of my business, professional and otherwise, is such that it would be impossible for me to leave the state suddenly, as I should be called upon to do, and be absent for months, without sacrificing, to a certain extent, the interests, and disregarding the reasonable expectations, of those who rely upon my services."

In 1846 his party offered to nominate him for governor of the state and he declined it. The same year he was offered by President Polk a place in his cabinet as attorney-general. President Polk in his letter tendering him the office, said, "I have selected you for this important office from my personal knowledge of you, and without the solicitation or suggestion of anyone. I have done so because I have no doubt your personal association with me would be pleasant, and from the consideration that, in the discharge of the duties of the office, you could render me important aid in conducting my administration."

In declining to accept this position General Pierce said: "Although the early years of my manhood were devoted to public life, it was never really suited to my taste. I

longed, as I am sure you must often have done, for the quiet and independence that belongs only to the private citizen, and now, at forty, I feel that desire stronger than ever.

"Coming unexpectedly, as this offer does, it would be difficult, if not impossible, to arrange the business of an extensive practice, in a manner at all satisfactory to myself, or to those who have committed their interests to my care, and who rely on my services. When I resigned my seat in the senate in 1842, I did it with the fixed purpose never again to be voluntarily separated from my family for any considerable length of time, except at the call of my country in the time of war."

During the same year he accepted the office of United States district attorney for the state of New Hampshire as in the line of his profession.

In 1847 he enlisted as a private in a New Hampshire company for the war with Mexico, and was made colonel, brigadier-general, and major-general, and served during that campaign. In 1852 the delegates from New Hampshire to the National Democratic Convention desired to bring his name before the convention as President of the United States, and he refused to allow them to present his name. In 1850 he was elected president of the New Hampshire Constitutional Convention by a vote of 257 to 6. In a letter to a New Hampshire delegate to the National Convention he wrote, in 1852, "The same motive which induced me several years ago to retire from public life, and which since that time has controlled my judgment in this respect, now impels me to say that the use of my name, in any event, before the Democratic National Convention at Baltimore, to which you are a delegate, would be utterly repugnant to my tastes and wishes."

In a letter dated May 27, 1852, to another of the New

Hampshire delegates, he wrote, "As I told you, my name will not be before the convention; but I cannot help feeling that what there is to be done will be important beyond men and parties—transcendently important to the hopes of Democratic progress and civil liberty."

In June, 1852, at the age of forty-seven he was nominated for President of the United States and in November was elected, receiving the electoral vote of twenty-seven out of thirty-one states of the Union. No other man in New Hampshire has ever held the office of President of the United States, no man has held offices such as he held with less apparent effort to obtain them. No lawyer has ever been elected to the place of senator of the United States and resigned before his term of office had expired and returned to the drudgery and routine of the profession.

What was there in his parentage, his early life and association, which might tend to give him mental fiber and character and to give to the world a prophecy of his qualities as a lawyer?

The town of Hillsborough where he was born, the scenery, the hills, the winter and summer life upon the farm, were much the same as country boys of the first part of the century saw throughout New Hampshire.

His father, Governor Benjamin Pierce, was a marked man in appearance, rather short, thick-set, an honest, inviting face, his eyes bright and merry, his lips firm, his words nervous, quick and decisive, as I saw him during two winters of 1834-35 and 1835-36. He was a successful farmer of more than average property for farmers of his time. Night after night, during the winter months, around the big, open fireplace with its bright light, gathered his group of children. I can seem to see the old man as he calls the curly-headed, bright-eyed Frank to his side and tells him of his early life. Over

and over again he relates to the eager and attentive boy facts which seem now to be romantic legends.

In substance a part of the story was that at six years of age his father died; that at eighteen years of age notice came to Chelmsford, Massachusetts, April 19, 1775, while he was plowing in the field, of a battle going on at Lexington; that he left the plough, took his uncle's gun and military equipments, and started for Lexington; that he was one of the "irregulars" who rode and fired at will, following Pitcairn's soldiers towards Boston; that he took part in the Battle of Bunker Hill; that he enlisted in the army of the United States, and was present in many a hard-fought battle; that at one time seeing the flag struck down, he rushed forward, seized the staff, and raised the flag, and led on the fight for which he was promoted to the rank of ensign; that he was afterwards made captain; that Washington called him into his presence and made him a member of his staff; that for nine years he continued in the service of the United States engaged in every vicissitude of battle until the close of the Revolutionary War; that at the close of the war he came to the town of Hillsborough, then almost a wilderness, and purchased fifty acres of land and built upon it a log hut, and for a year lived alone, getting his own meals, sleeping upon a blanket as he had been accustomed to do during the years of his service in the army.

Governor Pierce was always a generous, kind-hearted man and liberal at all times for public, religious and charitable purposes. One of the most characteristic acts of his life, which tells us more than words can express his liberality and kindness of heart, was that when he was elected sheriff of Hillsborough County in 1818 he found in the jail at Amherst three men imprisoned for debt. One had been there four years, one three, and

the third for one year. Governor Pierce, then sheriff, had no legal right or authority to discharge these men from prison, but moved by his own kindly feelings he paid the debt of each for which they were imprisoned and set them free. By the law of the state at that time anyone who failed to pay his debts might be imprisoned.

Benjamin Pierce, although uneducated, had the capacity, the energy and the character to gain the respect and confidence of the people of his town and the state, so that he held for thirteen years the office of representative from Hillsborough, and subsequently of sheriff of the county, of state councilor and governor, and in all the positions he acquitted himself with honor and credit to himself and the state.

Franklin Pierce must have been present when, in 1816, his father invited all the surviving officers and soldiers who had served in the War of the Revolution and the War of 1812, to an entertainment at his home. The day was spent in feasting and in reminiscence of their past lives. It was an event calculated to impress upon the mind of any sensitive and enthusiastic boy feelings of loyalty and patriotism.

From his birth to his entering college in 1820, there lived in the town of Hillsborough such men as John Gilbert, who was at the Battle of Bunker Hill and through the War of the Revolution; the descendants of Isaac Baldwin, killed in the same battle; John McNeil, a captain in the War of the Revolution; General John McNeil, distinguished in the Battle of Chippewa and at Lundy's Lane. These men and their associates were often visitors and on the most intimate terms with the family of Governor Pierce.

From such parentage, with such associations in his boyhood and early manhood, he could not help being imbued with the strongest feelings of patriotism and

devotion to his country, with the highest regard for men of every class, with the highest and best idea of integrity and honor, and no son with such parents, brothers, friends and townsmen could fail to be impelled by every thought and impulse to choose for himself what was highest and noblest.

Between 1844 and 1852 I heard General Pierce in several trials before a jury.

In 1845 he assisted me in the trial of my first case before the jury at Amherst. George W. Morrison was on the other side.

Mr. Pierce came to my room, examined the writ and pleadings, and talked with the witnesses. After we were alone he said to me: "You can try this case alone. There is no need of my assistance." I told him I wanted his help. He then said: "I advise you to try every case you get a chance to try. You may fail, but no matter. I failed in my first case, but I then resolved that I would try 999 cases and fail every time, if clients gave me a chance, rather than give up."

His manner of examining the papers and preparing for trial was so kind and brotherly and his suggestions about trials so useful that it made an impression, and gave me courage to attempt success.

I have never found another lawyer, possibly excepting George Y. Sawyer, who was so kind and so frank and full of suggestive points.

As a typical case allow me to give somewhat in detail one trial as I saw it. The case of *McDougal v. Shirley* was a libel for publishing an article in a newspaper called *The Gleaner*, and attracted more public attention at the time than that of any civil case. This newspaper from somewhere in 1838 to 1846 was published in Manchester by John Caldwell. It was a vile sheet, and was filled weekly with vile and slanderous talk about men and

women in all stations of life. From country towns letters were written to the editor for fun, but generally from malice.

In 1845 an article appeared libelling the character of Mr. McDougal of Goffstown. He was a substantial farmer, a man of good standing in society, and good character in every respect. He was much incensed at the charges made in *The Gleaner*, and called upon the publisher of the paper to learn the author. The editor, or some of his employees, gave him to understand that it was Mr. Shirley, another respectable farmer of the town. A suit was brought by George Barstow, a lawyer in Manchester, against Shirley, and at the April term, 1846, there was a trial at Amherst. George Barstow and Governor Henry Hubbard appeared for the plaintiff; David Steele of Goffstown, J. U. Parker of Merrimack, and Franklin Pierce for the defendant.

Judge Gilchrist with two side judges presided. The people of Goffstown, Bedford, Manchester, and Amherst were all deeply interested in the parties and the result of the trial. The good character and standing of the parties brought many friends to each side, and the court-house was filled with spectators for many days during the trial. A large number of witnesses were called upon both sides. At that time neither the plaintiff nor the defendant was allowed to testify.

George Barstow, for the plaintiff, was an accomplished, scholarly man and learned in the law. He occupied quite a conspicuous position in Manchester for many years as a lawyer. He was the author of a history of New Hampshire and went from Manchester to San Francisco where it is said he acquired wealth and reputation.

Henry Hubbard had been governor of the state and United States senator and was regarded as one of the ablest lawyers of the state.

For the defense David Steele of Goffstown who had acquired such a reputation in laying out and discontinuing highways that Charles G. Atherton, at one time in discussing some questions before the court in which Mr. Steele was upon the other side, in his quiet, crisp way said, "I cannot be expected to dispute my brother Steele upon this point when we all recognize in him 'The Collossus of Rhodes.' "

James U. Parker of Merrimack was an entirely different man. He was a sharp, keen man, armed at all points upon questions of evidence before a jury and never forgot to take advantage of the weak points of his adversary or to use to the utmost the good points upon his own side.

Many people besides the publisher of *The Gleaner* and the parties had an interest in the trial of this case, and Governor Hubbard had been selected as the ablest and best lawyer to meet Mr. Pierce. Hubbard, as governor and United States senator, was known politically but had no hold upon the jury in Hillsborough County. Pierce, as was his custom in every case in which he was engaged, knew the name and locality of every jurymen, and not only knew everyone during the trial but if he had met him one year or ten years afterwards anywhere he could have called him by name. In this respect Pierce was like James G. Blaine and Ben Butler, who never forgot the face or name of any man they had once become acquainted with, and at one time after his presidential term of office was over said, that until he went to Washington as President, he never forgot any man whom he had once met and whose name he had learned.

Another advantage which Pierce had at this trial was, that every jurymen not only respected him, but had a sort of love and state pride in him beyond what had been towards any other man in the history of our state. In the course of the trial a son of the defendant, then

thirteen years of age, now well known as Colonel Shirley, was called as a witness. His testimony was important for the defense, as it contradicted one of the principal witnesses for the plaintiff. It related to the plaintiff's witness visiting the defendant to buy a yoke of oxen, and to conversation that passed between the parties. The boy testified that he remembered the circumstances and the talk, because the oxen were his favorites and he called it that he owned them, and did not wish his father to sell them.

Hubbard cross-examined the boy quietly and gently but could not lead him in any way to contradict his testimony. Then finally he arose from his seat, approached him, and in earnest and almost savage manner attempted to overawe and frighten him. The boy stood the test and waited with perfect ease to see what was next, turning his eyes affectionately and reliantly upon Pierce.

Pierce had watched this cross-examination. His interest in the case and his sympathy for the boy were intense, and as the last answer was given and as their eyes met, there was such a glow in the face and eyes of Pierce that as Colonel Shirley to-day will tell you, it seemed as if a sunburst with a soft mellow light fell upon him and every juryman. It touched the hearts of everyone who saw it. This appearance upon the face of General Pierce has been noted by others in similar cases.

Hon. Joseph W. Fellows of Manchester relates an incident of a trial in some country town, when he was a boy of some fifteen or sixteen years of age, and he describes the appearance as a sort of illumination on the face which made a deep and lasting impression upon his memory. This same appearance although peculiar to General Pierce, has been noticed in the description of S. S. Prentiss of Mississippi, of William Pinckney and others.

Pierce was fully prepared upon the facts and law of the case. He knew and was prepared to prove that two of the witnesses for the plaintiff were absolutely and wilfully false. There was one Plynn White, witness for the plaintiff, an associate of the publisher of *The Gleaner*, who had testified to seeing the defendant in Manchester in conversation with Caldwell, the publisher, whose testimony, if true, would tend strongly against the defendant. At first Pierce quietly questioned Plynn White and led him to thoughts almost entirely outside of the case; he then called the witness's attention to the exact locality where he stood, and where Shirley and Caldwell stood, and in various ways brought White to swear positively over and over again as to the exact position.

The whole cross-examination was so apparently fair and yet brought the witness to testify so positively that anyone who was previously familiar with the facts, or as they were afterwards developed, recognized Pierce's tact and ingenuity. In rebuttal, General Pierce showed by the testimony of two reliable witnesses, that if Plynn White's story was true he must have seen through the brick walls of the city hall.

He made no mistake in his cross-examination in this case, and it was one of his greatest qualifications in the trial before a jury that he never made a mistake in his appreciation of the witness before him. He seemed to have an intuitive knowledge of the honesty or dishonesty, or the mental weakness or strong points, of a witness. It was the custom at that time for counsel to contest the admissibility of much of the evidence brought before the court. This was so customary that no one thought such objections would injure his case in the minds of the jury; in fact, no lawyer was thought to have done his duty unless he objected to the utmost to the admissibility of much of the evidence.

It was a rare treat, when such a question came up, to see the quiet, yet dignified and deferential manner of General Pierce towards the court, and towards the counsel in presenting objections. If the court should rule against him he made the jury believe that he was right and the court was wrong.

After many days of trial Pierce's argument for the defense occupied, as I remember it, some three or four hours. He began in a conversational tone, presenting to the jury the importance of the case and the duty devolving upon each of them. He spoke of the plaintiff and the defendant in equal terms of kindness, that they were both honest, fair-minded farmers and neighbors in Goffstown, that the plaintiff had been deceived by others and led to the belief of the guilt of the defendant, that when the article appeared in the newspaper and the plaintiff called upon the publisher demanding the name of the author, Caldwell, knowing that Shirley was a man of property, insinuated first that he was the author, and finally both Caldwell and Plyn White asserted positively that Shirley was the guilty man.

It was contended by Pierce that a man by the name of Wells had written the article, partly in fun and partly in revenge. Wells was a man of no property, and Caldwell with Wells' assistance made McDougall, the plaintiff, believe that it was the work of Shirley. The arraignment of the three conspirators, Caldwell, White, and Wells, for sarcasm and bitterness of invective, and at the same time so just according to the evidence, I have never seen or heard equaled in any court. While he commented upon the testimony of the boy Shirley, and the weight the jury should give to it compared with that given by the man proven guilty of perjury, he exhibited a specimen of eloquence rarely seen anywhere. I wish I could give his words; I cannot, but I remember

clearly the apology and sympathy for his distinguished opponent, his imploring the jury to fairly and dispassionately consider and weigh the testimony of the boy, and this man, exclaiming in a quotation from one of William Pinckney's arguments, "Place the testimony of this man in one scale, and of the boy in the other scale, and the weight of the man's testimony is lighter than the down which flies from a linnet's wing."

His argument in this case for ability, clear and beautiful illustration, apt quotations and pathos, has never been equaled in New Hampshire. It was the eloquence which stirs and rules the heart and conquers the reason.

When General Pierce closed his argument there was not a juryman and hardly a man in the court-house whose cheeks were not wet with tears.

Governor Hubbard, with his first words, said, "Gentlemen, I did not come to bore for water." These words were a sad mistake. Every person felt it a sort of criticism upon himself for the exhibition of sympathy which he could not control. Hubbard, in a long argument, was able, energetic, and logical. With splendid figure, head leaning back somewhat in the attitude we see in the pictures of Henry Clay, he walked up and down by the side of the table before the jury and argued and pleaded with great ability. Although at times quiet and subdued, he was often fierce, declamatory and thunderous in voice, and towards the close he was actually frothing at the mouth with the spittle scattered around him. Hubbard failed utterly to reach the hearts of the jury. He talked and talked and argued and declaimed in vain, for Pierce had captured the heart of every juryman, and when they retired they immediately gave a verdict for the defendant.

I heard General Pierce in many other cases in Hillsborough County between the years of 1843 and 1852,

notably his defense of the Wentworths for the Parker murder in 1846. In every case he was master of the situation. Friends, political and social, never stood in his way of doing justice to his client. There was never any indifference or half-heartedness in his efforts. He did his best in every case; there was an apparent seriousness in every case. The first thing that attracted one's attention in listening to his arguments was the absolute sincerity, depth and fervor of his conviction. It may be truthfully said of him as was said of S. S. Prentiss of Mississippi, "Before he uttered a word you felt by his very look and air that he was deeply in earnest, and no sooner had he opened his lips than you felt it by the quick, responsive sympathy in your own bosom." Some men, like Webster, require a great occasion or a case of unusual importance to arouse them to their best efforts. I have heard Webster when to all appearances he was indifferent and slow.

Rufus Choate and Franklin Pierce could not help being stirred and nerved to their utmost effort in every case, and on every occasion when they made an argument before a jury. Eloquence with them was as natural as a song with the thrush. When I say it was natural, I mean that it was inborn; that physically and mentally they were fitted for eloquent speakers, and these natural gifts had been cultivated and improved by years of persistent labor and effort. Pierce's first efforts before a jury were failures, but by perseverance he overcame all obstacles. Judge Perley said of him, "He always knew the law in every case."

Joel Parker, in his address before the Harvard Law School in 1853 upon Daniel Webster, in speaking of courtesy towards opposing counsel said: "And in this connection I may repeat to you, that I have never witnessed professional civility of a higher or more uniform

character than that exhibited by the gentleman who now holds the office of the president of United States, and by the learned brother (Judge Perley), for years his opposing counsel at the bar; who has since adorned the bench of the Superior Court of New Hampshire."

Judge William L. Foster, in his address before the Southern Bar Association in 1894, said: "I shall only express the universal sentiment of all who knew him, when I say that he was probably the most brilliant advocate ever known in New Hampshire. His fascinating grace, eloquence and power were unequaled; and his success as a jury lawyer was unattained by any other member of the profession."

Judge Sylvester Dana, who was a student in the office of Pierce & Minot from 1839 to 1843, writes me as follows: "Pierce was the most affable of men, and his students shared largely in his kindly courtesies. He was accustomed to discuss with us legal and other questions as though we were his equals, and contributed in many ways to make us feel at home. He gave to his cases the most laborious and exhaustive preparation, leaving no details, however minute, unexplored. He never took a legal position before the court which he did not believe to be tenable."

Honorable Benjamin F. Ayer, who commenced practice of the law in Manchester, and for many years has been one of the foremost lawyers in Chicago, in writing me of General Pierce says: "He was a lawyer of very remarkable powers, and I am chargeable with no exaggeration in saying that among those I have known in the profession who have been distinguished as advocates before juries, I have never met his superior. He was eminently a man of whom the bar in his native state—and no state has been more prolific of great lawyers—may be justly proud."

Brother J. W. Fellows says that in 1845 a school teacher was arrested in the town of Sutton for too severely punishing two pupils in a district school. The trial attracted much attention, and the whole town of Sutton, men, women and children, were present as interested parties. The court consisted of two justices of the peace. Pierce was defending the school teacher. I cannot remember the words and I cannot describe his manner, but I shall never forget his eulogium upon the efforts of the school teacher, nor the scorn with which he scourged those who were attempting to bring the teacher into ridicule and to defeat the purposes of education. "But more than anything else is impressed upon my mind," says Brother Fellows; "the radiant light like a halo which seemed to beam into the face of General Pierce as he made his appeal for the school teacher and the vindication of good order and good morals in the community."

Franklin Pierce cannot be placed in the list of learned and profound lawyers with Ira Perley, Jeremiah Mason, Daniel M. Christie, George Y. Sawyer, and many others whose lives were devoted exclusively to law. His superiority was in his tact, ability and eloquence before a jury. What was there in his mental and physical endowments that fitted him for a great advocate?

In the first place he had a love—a passion—for the law as a profession, and an indomitable determination to become the best advocate that courage, labor, untiring zeal and effort could make him. This love is evidenced from his declining from time to time official positions and returning to the practice of the law. This is evident, too, from the enthusiasm with which he entered upon its pursuit.

He had an attractive physique, his manner was graceful, yet strong and manly. There was a sort of chivalrous bearing towards the court, counsel and witnesses, that

won the respect and affection of all who met him. He had the will power and the habit to throw off for the time all thought of business and all anxieties, and to sleep day or night almost as he wished. He had wonderful recuperative power. I have known him while engaged for many days in the trial of an important case, to say to his associate at the noon recess, "I am tired and will sleep for an hour." It seemed but a minute later when he was sleeping as a child, and at the end of an hour's solid sleep arose refreshed and ready for his case.

He had a vigorous understanding, gifted with a rare faculty of analysis. He had a quick, inventive fancy, strong memory and an impressionable temperament. His voice was pleasant and finely modulated. His memory of the names of persons and localities was remarkable. This was a natural gift, but yet cultivated during all his professional life. He had an intuitive sense of "men and life by which the falsehood and veracity of witnesses, the probability and improbability of transactions, as sworn to, were discerned in a moment."

From childhood he entered sympathetically into the lives of all classes. He had a frankness and openness of manner which attracted all who had to do with him. As Hawthorne, his college classmate and lifelong personal friend, in his biography published in 1852, in speaking of his college life says: "He was distinguished by the same fascination of manner that has proven so magical in winning him an unbounded personal popularity. It is wronging him, however, to call this peculiarity a mere effect of manner; its source lies deep in the kindliness of his nature, and in the liberal, generous, catholic sympathy that embraces all who are worthy of it. Few men possess anything like it; so irresistible as it is, so sure to draw forth an undoubting confidence, and

so true to the promise which it gives. It belongs to him at this moment and will never leave him."

He was fair and just to every honest witness, and he had the ability to make the jury see and feel the falsehood of the pretender or the liar. He knew what would appeal to the average juror. As was said of Rufus Choate I can say of him, "He treated every man as though he was a gentleman, and he treated every gentleman almost as he would a lady."

As was said of Prentiss, "There was nothing to imply that while his lips were on fire, his heart might be cold; but every look, tone and gesture carried with them the conviction that he was honest, sincere and spoke the motives of his inmost heart and conscience."

At the end of his presidential term of office he spent the next two years with his invalid wife at the Madeira Islands and in foreign travel. Ever since the death of her son by a railroad accident, in January, 1853, she had never known vigorous health or freedom from consuming grief. All that anxious, constant care and love could do was done by the General with the devotion and tenderness such only as a husband with the same deep sorrow could bestow upon his sorrowing wife. In December, 1863, Mrs. Pierce died, and General Pierce died in October, 1869.

Thus, brethren, I have touched upon Franklin Pierce as a lawyer, with some of the prominent events of his life. He was in many respects the most remarkable man in the history of the state of New Hampshire. He had honors thrust upon him, and he wore them modestly and nobly. He cast aside high offices like toys of small value, preferring the routine of professional life and his home with his wife and children and the enthusiastic friends of his early life. He was called again to the highest office in the nation, and administered its affairs

with dignity, with ability, with honor, and with the personal regard of all who had to do with him.

Colonel Forney, a political opponent, in writing of him immediately after his death in 1869, among other things said: "Let us think of Franklin Pierce as a man of that greatness of heart which constitutes the true nobility of character, and which constantly exhibits itself in words, looks, tone, and accents and works of kindness. Kindness of heart was his great quality. No exaltation of station, no degree of prosperity, no applause of men, no adventitious circumstances whatever, caused him to overlook, much less to neglect, an appeal for aid by the lowly and suffering. Thoughts of others were his distinguishing quality. Who so forward as he to see virtue in the humblest guise, and to recognize and respect it as much or more than if the subject of it were of the highest name and of loftiest lineage? The peer in eloquence and oratory and argumentation of his contemporaries at the bar and in public life, yet who so prompt to express encomium of the great efforts of others?"

"Of human feelings the unbounded lord, and therefore the charm of the social circle, who was so stricken by public or private misfortune? Who so profoundly awed by the dispensations of Divine Providence?"

I shall fail to give a fair sketch of the life of this man if I omit an event which to him and his wife, in their innermost selves, was of more lasting effect than all else besides.

In January, 1853, before he had taken his seat as President, while traveling between Boston and Concord with his wife and only child, a boy of eleven years of age, the car was thrown from the track, and the child instantly killed. It is an event too near the heart for speech, written or spoken. Words of themselves have no heart-beat, except to the few who have been compelled by like

affliction to listen. I can well understand how completely overwhelmed was the delicate and sensitive mother with a grief from which she could never recover.

How worthless seemed the prospective honors and the pageantry of the presidential life; how empty and vain all earthly things in the presence of their dead child, and what terrible grief swept over him as he saw his fondest hopes suddenly blasted.

An intimate friend of the General told me that Général Pierce was never the same man after this event as before. Some of us know he could never have been the same to himself, however he might appear to others.

He brought to this sad experience the same will power to bear up wonderfully and heroically and to go about his home life and public duties during his term of office as if nothing had happened, while at the same time there was a continued sense of something gone out of his life that he had counted on, a longing—a tearful longing—for that boy who bore the honored name of his father, Benjamin Pierce, and upon whom he expected his own mantle of successful life to fall.

That event was a mystery. We cannot explain it. For one, I feel, as I presume many of you do, like reaching out my hands and calling with subdued and saddened heart, "My brother, oh! my brother! is the mystery of life and death solved? Is the mystery of the death—the tragic death—of that boy explained? Are you satisfied that what then seemed so grievous and terrible is well for you and best for the child?"

This is not the time nor occasion to give Franklin Pierce his just and true position as a politician and statesman. He lived at a period in our history when the people of the United States were divided. We begin to learn that there were patriotic men South as well as North; we begin to learn that as true hearts beat under the out-

ward covering of the gray as the blue; we begin to learn that Stonewall Jackson of Virginia was as pure and honest in heart and as true in patriotic principle, as he saw his duty in the sacrifice of his life, as any Northern man.

We begin to learn that Daniel Webster, Franklin Pierce, and many who agreed with them were as truly patriotic as those who reviled them. We begin to feel with Lincoln "Charity for all."

In this charitable spirit may we not expect, when all partisan bitterness has faded away, and when the future historian shall in historic perspective consider the surroundings, the education, the prejudices, and the motives of all men, North and South, that by the side of Daniel Webster in patriotic devotion to his country will stand our Franklin Pierce?

Brethren, I have presented Franklin Pierce as a New Hampshire lawyer as well as the limits of this occasion and my ability will allow.

He had his failings, as may be said of every one of us, and they have been exaggerated. I am not here to excuse or condone them. He was our brother lawyer. He was a son of New Hampshire, honored more by high official positions and more loved and idolized in his day than any other member of our profession in this state.

As a lawyer his integrity, fearlessness, indomitable industry and enthusiasm were unsurpassed in the history of our profession in the state. He was persuasive and resistless by sincere superiority; as an advocate he had no equal among us. He never had a fair-minded client find fault with his efforts. No lawyer of his years in the profession ever had so many grateful and enthusiastic clients.

If the veterans of the Revolution and of 1812 and their descendants who knew him could speak; if his townspeople and others who knew him from childhood

to mature years could speak; if thousands of people who knew the tenderness of his heart and the generosity of his instincts, and the lavish wealth of his affectionate nature could speak, forgetting or disregarding him as a lawyer, senator, general and president, they would point to the crowning glory of his life, his kindness, his generosity, his unselfishness and his true and enduring friendship.

His name upon our records will be to us, and to those who shall come after us, an inspiration to loftier ideals in our profession and to nobler ambition in citizenship.

